

From: [Keith, Jennie](#)
To: [Jackson, Ryan](#); [Idsal, Anne](#); [Dominguez, Alexander](#); [Fotouhi, David](#); [Leopold, Matt \(OGC\)](#); [Bolen, Brittany](#); [White, Elizabeth](#); [Molina, Michael](#); [Brazauskas, Joseph](#); [Bennett, Tate](#); [Benevento, Douglas](#); [Garvey, Megan](#); [Servidio, Cosmo](#); [Ross, David P](#); [Block, Molly](#)
Cc: [Eng, Connie](#); [Mutz, John \(Fletcher\)](#); [Clarke, Victoria](#); [Fugh, Justina](#); [Tyree, Robin](#); [Kitamura, Louise](#); [Richardson, RobinH](#); [Yeany, Philip](#); [Grantham, Nancy](#); [Hope, Brian](#); [Keith, Jennie](#); [Campbell, Ann](#); [Monroe, Scott](#)
Subject: (ETHICS) API Luncheon - January 7
Date: Monday, December 23, 2019 12:09:00 PM
Attachments: [API SOAE Invite.pdf](#)

Hi There!

You're friendly ethics official here, chiming in with not-so-merry ethics advice this morning. I understand you received an invitation to a private luncheon (i.e., not open to the public) for API's State of the Energy event on Tuesday, January 7, 2020. Several EPA political appointees have received this invitation and I am providing this ethics advice to you in the event you want to accept the invitation and attend the event.

President's Ethics Pledge

This is a **prohibited gift** under the President's Ethics Pledge. Pursuant to the Lobbying Gift Ban (a section within the President's Ethics Pledge), you cannot accept gifts from federally registered lobbyists. American Petroleum Institute (API) is a federally registered lobbyist. The gift is the meal provided at the event. Therefore, because there is a meal provided by a federally registered lobbyist, this is a prohibited gift. The value of the luncheon is \$38.

I want to attend this event. How can I attend?

If you would like to attend this event, then you may write a personal check made to the order of API. API will be accepting payment at the event via any of its representatives at the door. Paying for the luncheon means it is no longer a gift and therefore, you have not accepted a gift from a federally registered lobbyist. The Agency cannot pay for this event.

I have cc'd your respective ethics officials / staff members supporting this event as a courtesy. Please advise OGC/Ethics whether you plan to attend by responding to this email.

Thanks!

Jennie for OGC/Ethics

Jennie Keith | Ethics Officer | Office of General Counsel | US EPA | Mail Code 2311A | Room 4312 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-3412 | fax 202-564-1772

THIS IS PROGRESS



THE STATE

OF AMERICAN

ENERGY

Washington has diverging views on America's energy future. Yet nearly all Americans agree that we need affordable solutions to meet growing demand for cleaner energy while addressing the risks of climate change. America's natural gas and oil is meeting this growing demand, while also fueling economic growth in communities across the country. Today the U.S. leads the world in producing natural gas and oil and in reducing U.S. emissions to their lowest levels in a generation. This is a goal that every U.S. president has articulated for the past 50 years, and it was made possible by American ingenuity, grit and technological innovation. Join us as for the 11th Annual State of American Energy as we explore America's energy progress - from a resurgence in U.S. manufacturing and American jobs to advancing environmental protections.

Sincerely,



MIKE SOMMERS

President and CEO, American Petroleum Institute



RSVP

BY DECEMBER 20th

This invitation is non transferable.

YES

NO

WHEN

Tuesday, January 7th, 2020
11:30 a.m. — 1:30 p.m.

WHERE

The Anthem

901 Wharf St SW
Washington, D.C. 20024

Parking will be limited, we suggest utilizing ridesharing services to and from the event.

This event has been designed to comply with the gifts and ethics rules of the U.S. Senate and House of Representatives as a "widely attended event." Employees of the executive branch may wish to consult their Designated Agency Ethics Official about any rules that may apply to their attendance at this event.

From: [Fugh, Justina](#)
To: [Molina, Michael](#)
Cc: [Griffo, Shannon](#); [Duross, Jeanne](#)
Subject: conversion to Schedule C
Date: Wednesday, February 20, 2019 9:54:00 PM

Hi there,

I understand that you recently converted from AD to Schedule C, effective 2/17/19. In this position, you are required to sign the Trump Ethics Pledge. Jeanne Duross or I will set up time for you to come see one of us for an ethics briefing on the pledge and to sign it for us. In addition, let me take this opportunity to remind you that you are VERY VERY tardy in finalizing your financial disclosure report. You need to finish that up ASAP so that we can be sure you fully understand your recusal obligations.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772



ETHICS PLEDGE

As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. I will not, within 5 years after the termination of my employment as an appointee in any executive agency in which I am appointed to serve, engage in lobbying activities with respect to that agency.
2. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, I agree that I will abide by those restrictions.
3. In addition to abiding by the limitations of paragraphs 1 and 2, I also agree, upon leaving Government service, not to engage in lobbying activities with respect to any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.
4. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2017, would require me to register under the Foreign Agents Registration Act of 1938, as amended.
5. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
6. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
7. If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 6, I will not for a period of 2 years after the date of my appointment participate in any particular matter on which I lobbied within the 2 years before the date of my appointment or participate in the specific issue area in which that particular matter falls.
8. I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Appointees," issued by the President on January 28, 2017, which I have read before signing this document, defines certain terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the obligations of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Government service.

Michael D. Molina
Signature

2/28/19, 20____
Date

MOLINA, MICHAEL DAVID
Print or type your full name (last, first, middle)

From: [Motley, Judy](#)
To: [Molina, Michael](#)
Cc: [Fugh, Justina](#); [Keith, Jennie](#); [Jenkins, Juanita](#)
Subject: Ethics Travel Form - Michael Molina - (New York-UNGA-USCIB)
Date: Friday, August 23, 2019 12:00:40 PM
Attachments: [MOLINA, Michael - 2019-09 Ethics Travel Form-UNGA-USCIB.pdf](#)

Attached, please find your ethics travel form approved by OGC/Ethics.

On behalf of OGC/Ethics,

Judy

Judy Motley

Program Specialist

U.S. Environmental Protection Agency

Office of General Counsel

Air and Radiation Law Office (ARLO)

202-564-2917

Status >>>

Approved by Approving Official

<<< Status


EPA

 Approval to Accept Travel
Under Ethics Reform Act of 1989

Event Location New York City

Travel Starts 09/21/2019

Event Sponsor(s) UNGA

DEO Justina Fugh

Employee Name Michael Molina

Title Staff

Organization AO,

Phone Number 202-564-3972

☐ for-profit

☒ not for-profit

Your Role

Participant

Travel Ends

09/24/2019

Nature of Event

74th UNGA Meeting

Spousal expenses included?
☐ Yes ☒ No

Who is the non-federal person(s) or entity(s) paying travel expenses?
Name: US Council for International Business

Address: 1212 Avenue of the Americas, New York, NY 10036 Telephone: 212-354-4480

Explain the interest of the source in the matters handled by your office. If the source of the travel expenses is an organization, describe the membership of the organization. For example, the "Center for Sound Science" may be largely made up of companies which produce chemicals regulated by your program or interest groups who take a position on our policies or regulations. **This explanation is mandatory!** (You can attach files below.)

The **United States Council for International Business (USCIB)** is an independent business advocacy group that was founded in 1945 to promote free trade and help represent U.S. business in the then-new United Nations. One of its primary goals is expanding market access for U.S. products and services abroad.

Are any of these sources a party to a matter which is pending before you for decision, such as a contract or assistance agreement matter, permit, license, etc.? *If "Yes", then acceptance of travel expenses cannot be approved*

☐ Yes ☒ No

Is this travel being paid through an EPA contract, Federal assistance agreement OR FEDERAL GRANT (including a recipient's matching share)? *If "Yes", then acceptance of travel expenses cannot be approved*

☐ Yes ☒ No

Are any of these sources otherwise affected by EPA matters in which you participate?

☐ Yes ☒ No

If "Yes," attach explanation (below).

Itemization of benefits
Amount & METHOD of payment

IN KIND
IN CASH

ticket, meals etc., est. the \$

must be a check etc. made out to EPA

Common carrier transportation

\$0.00

\$0.00

Meals

\$35.00

\$0.00

Lodging

\$0.00

\$0.00

Local transportation

\$0.00

\$0.00

Waiver of fees ⓘ	\$0.00	\$0.00
Other (specify)	<u>\$0.00</u>	<u>\$0.00</u>
	Sub Total \$35.00	Sub Total \$0.00
		TOTAL →→→→→ \$35.00

(NOTE: For travel outside the United States, different rules may apply. Check with your ethics advisor.)

Does this amount exceed the amount payable under Federal Travel Regulations? ☐ Yes ☒ No

Any other explanations or attachments ⓘ




image2019-08-22-174430.pdf

Approving Official's Certification	
Approved By: Judy Motley	Date: 08/23/2019
<input type="checkbox"/> Hold Pending Review	
NOTE FROM APPROVING OFFICIAL : Justina Fugh OGC/Ethics approved this ethics travel form on August 22, 2019	
Additional Attachments / Explanations:	

From: [Motley, Judy](#)
To: [Molina, Michael](#)
Cc: [Fugh, Justina](#); [Keith, Jennie](#)
Subject: Ethics Travel Form - Michael Molina - (New York-UNGA-WRI)
Date: Friday, August 23, 2019 11:25:55 AM
Attachments: [MOLINA, Michael - 2019-09 Ethics Travel Form-UNGA-WRI.pdf](#)

Attached, please find your ethics travel form approved by OGC/Ethics.

On behalf of OGC/Ethics,

Judy

Judy Motley

Program Specialist

U.S. Environmental Protection Agency

Office of General Counsel

Air and Radiation Law Office (ARLO)

202-564-2917

Status >>>

Approved by Approving Official

<<< Status

**EPA**Approval to Accept Travel
Under Ethics Reform Act of 1989**Event Location** New York City**Travel Starts** 09/21/2019**Event Sponsor(s)** UNGA**DEO** Justina Fugh**Employee Name** **Michael Molina****Title** Staff**Organization** AO,**Phone Number** 202-564-3972☐ **for-profit**☒ **not for-profit****Your Role**

Participant

Travel Ends

09/24/2019

Nature of Event

74th UNGA Meeting

Spousal expenses included?☐ Yes ☒ No**Who is the non-federal person(s) or entity(s) paying travel expenses?** **Name:** World Resources Institute**Address:** 10 G Street, NE Suite 800, Washinton, D.C. 20002 Phone: 202-729-7600

Explain the interest of the source in the matters handled by your office. If the source of the travel expenses is an organization, describe the membership of the organization. For example, the "Center for Sound Science" may be largely made up of companies which produce chemicals regulated by your program or interest groups who take a position on our policies or regulations. **This explanation is mandatory!** (You can attach files below.)

World Resources Institute is a global research organization that spans more than 60 countries. More than 1,000 experts and staff turn big ideas into action at the nexus of environment, economic opportunity and human well-being.

Are any of these sources a party to a matter which is pending before you for decision, such as a contract or assistance agreement matter, permit, license, etc.? *If "Yes", then acceptance of travel expenses cannot be approved*

☐ Yes ☒ No

Is this travel being paid through an EPA contract, Federal assistance agreement OR FEDERAL GRANT (including a recipient's matching share)? *If "Yes", then acceptance of travel expenses cannot be approved*

☐ Yes ☒ No

Are any of these sources otherwise affected by EPA matters in which you participate?

☐ Yes ☒ No

If "Yes," attach explanation (below).

Itemization of benefits **Amount & METHOD of payment**

	IN KIND	IN CASH
	ticket, meals etc., est. the \$	must be a check etc. made out to EPA
Common carrier transportation	\$0.00	\$0.00
Meals	\$65.00	\$0.00
Lodging	\$0.00	\$0.00
Local transportation	\$0.00	\$0.00
Waiver of fees	\$0.00	\$0.00
	<u>\$0.00</u>	

Other (specify)

\$0.00

Sub Total \$65.00

Sub Total \$0.00

TOTAL →→→→→ \$65.00

(NOTE: For travel outside the United States, different rules may apply. Check with your ethics advisor.)

Does this amount exceed the amount payable under Federal Travel Regulations?

☐ Yes ☒ No

Any other explanations or attachments ⓘ



image2019-08-22-174430.pdf

Approving Official's Certification

Approved By: Judy Motley

Date: 08/23/2019

☐ **Hold Pending Review**

NOTE FROM APPROVING OFFICIAL : Justina Fugh OGC/Ethics approved this ethics travel form on August 22, 2019

Additional Attachments / Explanations:

... and, yes, we'll need to send you a cautionary letter about conflicts and also probably have to ask you to sign a recusal statement. But first let's look at the technical issues with your form, which I have sent back to you for updates. But I've set forth the comments below so you can see them outside of INTEGRITY too. I'm super sorry about the investment income answer for you. It's going to be a bother, I know.

[illegible]



POLITICS 08/22/2018 05:46 am ET | **Updated** Aug 22, 2018

White House Admits Trump Is Using Official Events For Midterm Campaigning

Top White House staffers make an extraordinary admission that government-funded events are part of the president's midterm election strategy.



By **S.V. Date**



White House Admits Trump Is Using Official ...

President Donald Trump speaks at a steel mill in Granite City, Illinois, on July 26, telling the audience that they should vote for Republicans.

WASHINGTON — Top White House staffers on Tuesday said that “official” government events are part of President Donald Trump’s efforts to help Republicans in the coming midterm elections — an admission that public dollars are being used for partisan political purposes.

One staff member on a conference call with reporters, responding to whether Trump planned to visit “purple” congressional districts rather than the safely Republican ones he favors, pointed out that Cabinet members — including Housing and Urban Development Secretary Ben Carson, acting Environmental Protection Agency Administrator Andrew Wheeler and Energy Secretary Rick Perry — are already doing that.

“And while these are official events, and I want to be clear about that, official events obviously drive earned media attention,” said the staffer, whom the White House would only permit to be identified as someone “familiar with the president’s thinking.”

“You know, the president’s Cabinet and senior staff have done 35 events with or affecting House districts in August already. Over 35 events in August already. I wanted to make sure I repeated that. And these include people and places like Secretary Carson in Mike Coffman’s district in Colorado 6; Secretary Perry in John Katko’s district in New York 24; acting Administrator Wheeler with David Young in Iowa 3; Ivanka Trump with Keith Rothfus and Mike Kelly in western Pennsylvania. All targeted districts. All fitting that, and I’m using air quotes, the suburban districts that I think you were inferring the president isn’t spending a lot of time in,” the staffer said. “Presidential rallies deservedly drive a great deal of attention, but there are many tools in that toolkit.”

A second staffer — who is also familiar with the president’s thinking, according to the White House — pointed to a recent trip by Trump “for” Rep. Rod Blum of Iowa and Rep. Mike Bost of Illinois. “Remember, too, just right before August he was in Iowa and Illinois for Bost and Blum,” the staffer said.

Except that the July 26 trip had no political events on the itinerary — only “official” ones paid for entirely by taxpayers. Despite this, Trump told the audience at a U.S. Steel plant in Granite City, Illinois, that Democrats supported illegal immigrants, so voters should back



"You've got to vote Republican, folks, you've got to vote Republican," Trump said at the newly reopened steel plant.

Craig Holman, with the watchdog group Public Citizen, said Trump and his White House could be violating federal law. "The White House comments make it rather obvious that Trump and his senior staff are mixing campaign work with official work, which, if not managed properly, would constitute violations of reporting requirements, the Federal Election Campaign Act and federal laws prohibiting the use of official resources for campaign activity," Holman said.

On the Air Force One flight back from the Midwest trip, White House spokesman Hogan Gidley defended Trump's openly political exhortations at official government functions.

"There's no legal prohibition for that to occur. The president can do that," Gidley said. "It is no surprise that the president would want people in Congress who support his agenda."

The White House on Wednesday criticized the publication of this report based on the conference call.

"It is unfortunate but ultimately unsurprising that a liberal publication like Huffington Post would make these misleading accusations and misconstrue the intent of the response," deputy press secretary Lindsay Walters said.

While previous presidential administrations scheduled "official" events in cities where there would also be a fundraiser or political rally in order to lessen the travel costs charged to the campaign, past presidents were careful not to make political statements at the official events.

Trump has shown little interest in making that distinction, routinely endorsing candidates at "official" events and urging attendees to vote for Republicans.

"This represents just the latest series of what we have seen throughout much of this administration," Holman said. "A reckless disregard of the laws designed to prevent taxpayer resources from being used for self-serving purposes — in this case, for campaign purposes."

This story has been updated to include a comment by White House deputy press secretary Lindsay Walters



White House Admits Trump Is Using Official ...

**S.V. Date**

Senior White House Correspondent, HuffPost

[Suggest a correction](#)**MORE:**

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From: [Mosley, Ferne](#)
To: [Molina, Michael](#)
Cc: [Fugh, Justina](#); [Griffo, Shannon](#)
Subject: Financial disclosure follow-up and screening agreement draft
Date: Tuesday, May 21, 2019 11:04:00 AM
Attachments: [Mike Molina draft recusal statement 5 21 19.docx](#)

Hello, Michael – Justina asked me to assist with completing the review and certification of your new entrant financial disclosure report as well as finalizing your formal recusal/screening agreement. There are a couple of outstanding items to complete everything:

1. **New entrant report:** I have a question regarding an asset that you reported on your new entrant report -

Part 2 – Filer’s assets and income: (b) (3) (A), (b) (6)

[REDACTED]

2. **Recusal and screening agreement:** I’ve attached a draft recusal and screening agreement for your review based on the assets listed on your new entrant report. (We can update this as needed once you submit your annual report). OGC/Ethics has previously advised you – and you have assiduously been following that advice – regarding your ethics obligations, but this document will formally notify folks about your obligations.

Please review the document and insert the name of a person to screen matters that require your participation. Once you’ve completed that, please print, sign, and date the document, and distribute it to the listed employees, and please send a PDF version to Justina and me so we can close it out.

I am happy to come by to walk through this with you and answer any questions at your convenience. Thank you for your attention to this.

Sincerely,

Ferne

Ferne L. Mosley, Attorney-Advisor

Ethics Office – Office of General Counsel
U.S. Environmental Protection Agency
William Jefferson Clinton Building – North, Room 4413A
Washington, DC 20460 (for ground deliveries: 20004)
Mail Code 2311A
Desk phone: (202) 564-8046
Cell phone: (202) 306-2998

From: [Mosley, Ferne](#)
To: [Molina, Michael](#)
Subject: Follow-up discussion with Ferne Mosley/Ethics

Hello, let me know if this works for you to continue our discussion. I can either come by or we can talk over the phone if you prefer.

Thanks, Ferne

From: [Mosley, Ferne](#)
To: [Molina, Michael](#)
Subject: Follow-up discussion with Ferne Mosley/Ethics

Hello, let me know if this works for you to continue our discussion. I can either come by or we can talk over the phone if you prefer.

Thanks, Ferne

From: [Ross, Margaret](#)
To: [Molina, Michael](#)
Subject: FW: Integrity
Date: Friday, January 3, 2020 11:04:00 AM

Hi Michael,

I think that this is what happened with anything that was dated 2019. In late July, you were completing your New Entrant Report and your 2019 annual report (covering calendar year 2018 from the time of your appointment to 12/31/2018). We worked together on both.

After you came to completion on the new entrant report in late July, I worked with you on completing and submitting your 2019 annual report. I worked with your financial advisor (b) (6) to make sure you received the correct data for your annual report – your 2018 assets and transactions from May to 12/31. We worked together a couple of times on how to correctly enter the data. You got the hang of it, and you entered the data yourself (which was a serious amount of data entry!). Unfortunately, you accidentally mis-dated about (b) (6) transactions. Although they happened in 2018, you listed them as 2019. Perhaps this is what you're remembering?

You realized the error after you submitted the report and contacted Justina and myself (see email below). Because you didn't have time, I changed the dates for you. I have audit records of each change that was made, so I can provide you with a list that you can compare with your 2018 file from (b) (6) if you want to be sure. I believe that I made sure we were working solely with 2018 data from (b) (6). I don't think we were even discussing 2019 activities – we were laser focused on getting the annual report in before the deadline, which was 8/13/19. You did make the deadline. No changes have been made to your report since that date (any changes would have been recorded in the audit trail, and there are none beyond the changes I made on 8/13).

As to continuing reporting of transactions, I probably told you (because I tell everyone the same thing – it's pretty rote) that it's your legal responsibility to report transactions no later than 45 days after they occur, and that at the end of the year, you can import all of your transaction reports into your next annual report. Each month you're late there is a \$200 fine, and even though in the past we rarely fined people for this offense, the Designated Agency Ethics Official decided at some point this year that we'd start issuing the fines. If you don't file transaction reports at all, then the matter gets referred to the IG.

I can understand how the situation may have gotten jumbled - your working life is SUPER busy and you and (b) (6) have a LOT of data to report. You might want to consider seeing if someone from (b) (6) could do the transaction data entry as your designee in INTEGRITY on a monthly basis. In that situation, they do the data entry in a 278-T form then you review it, you sign the form, and you submit it. In the past you've been clear that you don't want to pay such an additional fee from your marital accounts because of your public service, but it really might be wise to do so. Let me know if you want more information on how to do that.

Let me know how you want to proceed.

Best,

Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 | work cell 202-527-0432 | [Visit us online!](#)

From: Molina, Michael <molina.michael@epa.gov>

Sent: Tuesday, August 13, 2019 1:18 PM

To: Ross, Margaret <Ross.Margaret@epa.gov>

Cc: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: Re: Integrity

Merci.

Really.

I hope I did everything else correct. Let me know.

MM

Sent from my iPhone

On Aug 13, 2019, at 1:14 PM, Ross, Margaret <Ross.Margaret@epa.gov> wrote:

Done!

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

From: Molina, Michael <molina.michael@epa.gov>

Sent: Monday, August 12, 2019 4:28 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>

Subject: Integrity

Justina/Margaret,

I have submitted my 2019 FD form. I mad ethe boo-boo of miss dating about (b) (6) of the transaction dates. I was hoping to find time today to change them, but I did not. I am out of the office tomorrow. To be clear, the dates at the same...by that I mean, August 12, Sept 14, Oct 10, I just listed them as 2019 on accident. If you can review the rest of the document, I can change the dates later this week. My apologies.

MM

Michael D. Molina

Deputy Chief of Staff

U.S. Environmental Protection Agency

Molina.Michael@epa.gov

(202) 564-3972

(202) 568-1602 (c)

From: [Mosley, Ferne](#)
To: [Molina, Michael](#)
Subject: Hi are you free for our call?
Date: Wednesday, August 5, 2020 11:04:00 AM
Importance: High

Ferne L. Mosley, Attorney-Advisor

U.S. Environmental Protection Agency
Ethics Office/Office of General Counsel
William Jefferson Clinton Building North, Room 4113A
1200 Pennsylvania Ave, NW
Washington, DC 20460
(202) 564-8046 (desk)
(202) 306-2998 (mobile)
mosley.ferne@epa.gov

From: [Fugh, Justina](#)
To: [Bolen, Brittany](#); [Harlow, David](#); [Molina, Michael](#); [Jackson, Ryan](#); [Bodine, Susan](#); [Hanson, Paige \(Catherine\)](#); [Leopold, Matt \(OGC\)](#); [Ross, David P](#); [McIntosh, Chad](#); [White, Elizabeth](#); [Block, Molly](#); [Dominguez, Alexander](#); [Rodrick, Christian](#); [Chancellor, Erin](#); [Kramer, Jessica L.](#)
Cc: [Keith, Jennie](#); [Mosley, Ferne](#)
Subject: Invitation to Massie Partners / Troy Lyons tonight
Date: Thursday, September 19, 2019 12:08:11 PM

Hi there,

OGC/Ethics has learned that you were invited by Massie Partners to attend a reception for Troy Lyons, who previously worked at EPA. I am writing to remind you that, as a political appointee, you signed the Trump Ethics Pledge and therefore cannot accept the invitation for free attendance to this event. Massie Partners is a federally registered lobbyist. If you wish to attend, then you will have to pay personally. We have worked with Massie to ascertain the cost per person. Even if you plan to attend but not eat or drink, you will still need to pay the fee.

Set forth below is advice based on what we provided to the Administrator, who had asked whether he may attend the event:

Cost and Payment

The cost is \$45 and our recommended payment mechanism is by check, made out to "Massie Partners" with a reference to the date and reception on the check. If you pay in cash or by electronic payment, then send a confirmatory email to ethics@epa.gov so that we know you attended and paid the fee.

Post-Government Ethics Obligations

OGC/Ethics has counseled Troy Lyons on his post-government ethics obligations under the criminal statute, 18 U.S.C. 207 and the President's Ethics Pledge, including ethics implications if the firm were to invite EPA employees to this event, and Troy's ethics obligations if EPA employees are to attend this event. While we want you to know that Troy continues to have ethics obligations post-government service, this is a social event. So, to help Troy with his ethics obligations, all communications should be purely social, with no discussion of any EPA or government business. Let us know if you have any questions.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: [Fugh, Justina](#)
To: [Molina, Michael](#)
Cc: [Payne, James \(Jim\)](#)
Subject: Late fee
Date: Wednesday, October 21, 2020 10:57:00 AM
Attachments: [FW Notification of late fees in the amount of \\$2400.msg](#)

Michael,

I regret to inform you that I did not receive a written request for a waiver of the late fee nor a check for the discounted late fee. Having heard nothing from you, I am forced to assume that you understand that you are obliged to pay the full amount, which is \$3200. We have never before had an employee refuse to pay the late fee, so I will have to inquire about how to commence garnishment proceedings.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Fugh, Justina
Sent: Thursday, October 15, 2020 4:33 PM
To: Molina, Michael <molina.michael@epa.gov>
Cc: Payne, James (Jim) <payne.james@epa.gov>
Subject: REMINDER: Final tally of late fees associated with your transaction reporting

Hi Michael,

Thanks for turning in your most recent transaction report (submitted 10/5/20 and certified on 10/7/20). I'm writing to remind you about the outstanding late fees and our request that you provide a check in the discounted amount within 21 days, which is this coming Monday, October 19. I will make arrangements to go to the office in the afternoon of Tuesday, October 20 to collect your check.

Thank you very much,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Fugh, Justina

Sent: Monday, September 28, 2020 2:33 PM

To: Molina, Michael <molina.michael@epa.gov>

Cc: Payne, James (Jim) <payne.james@epa.gov>

Subject: Final tally of late fees associated with your transaction reporting

Michael,

First of all, thank you very much for timely filing your last three periodic transaction reports. We have noticed and appreciate your effort! As a public filer, you are obliged to adhere to Ethics in Government Act and the STOCK Act that set forth certain filing requirements and deadlines. OGC/Ethics has reiterated these requirements to you before. Unfortunately, earlier this year, you submitted two periodic transaction reports that included multiple late notifications:

- Submitted 4/15/20 – reported (b) (6) transactions of which more than (b) (6) (or 67%) were tardy

But as you can see from the attached email, I notified you on 5/12/20 about the late notifications in the 4/15/2020 submittal and assessed late fees totaling \$2400. That amount was calculated because you missed at least one transaction in every month of CY 2019, for a late fee of \$200 per month.

OGC/Ethics understands that you contacted Jim Payne, the Designated Agency Ethics Official on this and expressed wanting to come into compliance by addressing a backlog of additional unreported transactions. To that end, we scheduled weekly meetings with you to assist in this effort. Although your subsequent submittal on 6/24/2020 was a step toward coming into compliance, you reported additional transactions untimely:

- Submitted 6/24/20 – reported (b) (6) transactions of which more than (b) (6) (or 85%) were tardy

As to this 6/24/20 transaction report, I noted four missed months of transactions, for an additional late fee of \$800. We note, however, that you have been complying with transaction reporting since the 6/24/2020 submittal. With respect to the past noncompliance, you are now assessed a total of \$3200 in late fees, as described above.

I have consulted with Jim Payne, who is mindful of the fact that you filed timely reports over the past three months. Jim has authorized us to discount your late fee by two-thirds to a total of \$1067. To pay the late fee at this discounted rate, please make out a check payable to the US Treasury in this amount and deliver it to my office, Room 4308 North Clinton building within 21 days. Then please notify me so that I will collect your check and ensure that it is sent to the EPA lockbox and deposited into miscellaneous receipts.

If, however, you wish to request any further waiver of the late fees, then please know that you must do so in writing to both Jim Payne and me and demonstrate “extraordinary” circumstances that caused you to file late. Bear in mind the fact that various members of the ethics office have had multiple conversations with you about the filing requirements and that, generally speaking, initial difficulties in navigating INTEGRITY for electronically filing these reports do not qualify as an “extraordinary” circumstance.

Thank you for your prompt attention to this matter,
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: [Mosley, Ferne](#)
To: [Molina, Michael](#); [Payne, James](#)
Cc: [Fugh, Justina](#)
Subject: Meeting to discuss follow-up information re: transactions

Hi, setting this up at Jim's request as we discussed. Via conference call instead of TEAMS.

Thank you and have a good rest of the week!

call-in number: (b) (6) conference ID = (b) (6)

From: [Mosley, Ferne](#)
To: [Molina, Michael](#)
Subject: Re: ETF transactions
Date: Monday, July 13, 2020 2:49:49 PM

For the periodic reports, you don't have to report ETF transactions, but you do have to report them later on an annual or termination report. So, you are just deferring the reporting; you will have to track it down at some point. I have the report and can delete them for you. Do you want me to leave on the ones that are reported accurately or do you want me to just remove all ETFs?

You will have to update the 2019 annual report now however, so I will send you that list as soon as Outlook is back up.

Sent from my iPhone

On Jul 13, 2020, at 2:19 PM, Molina, Michael <molina.michael@epa.gov> wrote:

Re reading your email. Can I "choose" to not report these. If this is really an option. Yes. I choose to not enter them. Let me know which ones they are and I will have my advisor remove them from the list.

MM

Sent from my iPhone

On Jul 13, 2020, at 2:17 PM, Molina, Michael <molina.michael@epa.gov> wrote:

In don't know what this means. I'll ask my advisor.

Sent from my iPhone


On Jul 13, 2020, at 2:16 PM, Mosley, Ferne <mosley.ferne@epa.gov> wrote:

Hi, Michael – I'm reviewing your periodic transaction report. There are several entries which appear to relate to Exchange Traded Funds (ETF) transactions, but only the holding company of the ETF is reported and not the name of the specific ETF that was either bought or sold. So, if you choose to include ETF transactions on your periodic reports, these entries require additional information to include the fund name. I will return the report to you in the system of you want to keep these in a periodic report.

This is also true on some of your entries in your annual report so I have to get that information to you separately to annotate that report as I missed the incomplete fund names before certifying it.

In the alternative, since ETF transactions are not subject to periodic reporting, I can delete all of the incomplete ETF transactions on the 278T, but you will have to report them by name on your next complete report which will be either your next annual report due in May 2021 or a termination report if you depart earlier. So, it's a matter of doing it now or later for your 2020 transactions on this report. One advantage to including them now is that you can import these into your next report, but ETFs and mutual funds are overreported on a periodic transaction report, so they don't have to be reported now, if if they are, they have to be complete.

For example, the transactions in question are those relating to (b) (6)


<image001.png>

<image003.png>



Just let me know how you want to handle this. I will get the specific items on your annual report under a separate email.

Ferne
Ferne L. Mosley, Attorney-Advisor
U.S. Environmental Protection Agency
Ethics Office/Office of General Counsel
William Jefferson Clinton Building North, Room 4113A
1200 Pennsylvania Ave, NW
Washington, DC 20460
(202) 564-8046 (desk)
(202) 306-2998 (mobile)
mosley.ferne@epa.gov

From: [Mosley, Ferne](#)
To: [Molina, Michael](#)
Subject: Re: ETF transactions
Date: Monday, July 13, 2020 2:32:48 PM

Ok. I can't use Outlook for some reason right now, so I can send you examples of the way to report it. Some are reported accurately with the full fund name but some are not.

Sent from my iPhone

On Jul 13, 2020, at 2:17 PM, Molina, Michael <molina.michael@epa.gov> wrote:

In don't know what this means. I'll ask my advisor.

Sent from my iPhone

On Jul 13, 2020, at 2:16 PM, Mosley, Ferne <mosley.ferne@epa.gov> wrote:

Hi, Michael – I'm reviewing your periodic transaction report. There are several entries which appear to relate to Exchange Traded Funds (ETF) transactions, but only the holding company of the ETF is reported and not the name of the specific ETF that was either bought or sold. So, if you choose to include ETF transactions on your periodic reports, these entries require additional information to include the fund name. I will return the report to you in the system of you want to keep these in a periodic report.

This is also true on some of your entries in your annual report so I have to get that information to you separately to annotate that report as I missed the incomplete fund names before certifying it.

In the alternative, since ETF transactions are not subject to periodic reporting, I can delete all of the incomplete ETF transactions on the 278T, but you will have to report them by name on your next complete report which will be either your next annual report due in May 2021 or a termination report if you depart earlier. So, it's a matter of doing it now or later for your 2020 transactions on this report. One advantage to including them now is that you can import these into your next report, but ETFs and mutual funds are overreported on a periodic transaction report, so they don't have to be reported now, if if they are, they have to be complete.

For example, the transactions in question are those relating to (b) (6)

<image001.png>

<image003.png>



Just let me know how you want to handle this. I will get the specific items on your annual report under a separate email.

Ferne

Ferne L. Mosley, Attorney-Advisor

U.S. Environmental Protection Agency
Ethics Office/Office of General Counsel
William Jefferson Clinton Building North, Room 4113A
1200 Pennsylvania Ave, NW
Washington, DC 20460
(202) 564-8046 (desk)
(202) 306-2998 (mobile)
mosley.ferne@epa.gov

From: [Mosley, Ferne](#)
To: [Molina, Michael](#)
Subject: RE: CDs and qualified trusts
Date: Tuesday, June 11, 2019 2:42:00 PM

Hi Michael – just checking back in on the outstanding mutual fund for your new entrant report and if you have any more thoughts about the way forward on the sector issues we discussed.

Please let me know how I can be of assistance.

Sincerely,

Ferne

Ferne L. Mosley, Attorney-Advisor

Ethics Office – Office of General Counsel
U.S. Environmental Protection Agency
William Jefferson Clinton Building – North, Room 4413A
Washington, DC 20460 (for ground deliveries: 20004)
Mail Code 2311A
Desk phone: (202) 564-8046
Cell phone: (202) 306-2998

From: Mosley, Ferne
Sent: Wednesday, May 29, 2019 3:26 PM
To: Molina, Michael <molina.michael@epa.gov>
Subject: CDs and qualified trusts

Michael, for your information, here are the hyperlinks to the OGE regulations regarding [Certificates of Divestiture](#) and [qualified trusts](#).

Ferne

Ferne L. Mosley, Attorney-Advisor

Ethics Office – Office of General Counsel
U.S. Environmental Protection Agency
William Jefferson Clinton Building – North, Room 4413A
Washington, DC 20460 (for ground deliveries: 20004)
Mail Code 2311A
Desk phone: (202) 564-8046
Cell phone: (202) 306-2998

From: [Fugh, Justina](#)
To: [Molina, Michael](#)
Subject: RE: Checking in.
Date: Thursday, December 19, 2019 4:45:00 PM

Hi there,
Sure, I'll be in the office that week of 1/6. Wednesdays are particularly fine days to meet, but I haven't seen you in so long, any day will be fine!
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

-----Original Message-----

From: Molina, Michael
Sent: Thursday, December 19, 2019 1:43 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Checking in.

Hi Justina.

2 things. I will be in the office plugging in my transactions for the last quarter of the calendar year on Friday Jan 3rd. So, hopefully we can go over that the first full week of the year.

Also, can we set up a time to meet that week to discuss participation in political events this coming year?

I hope you and your family have a wonderful holiday

Michael

Sent from my iPhone

From: [Mosley, Ferne](#)
To: [Molina, Michael](#)
Subject: RE: close out report
Date: Wednesday, January 13, 2021 6:51:00 PM

OK, 9:30am is good. I can call you.

Ferne L. Mosley, Attorney-Advisor

U.S. Environmental Protection Agency
Ethics Office/Office of General Counsel
William Jefferson Clinton Building North, Room 4113A
1200 Pennsylvania Ave, NW
Washington, DC 20460
(202) 564-8046 (desk)
(202) 306-2998 (mobile)
mosley.ferne@epa.gov

From: Molina, Michael <molina.michael@epa.gov>

Sent: Wednesday, January 13, 2021 6:01 PM

To: Mosley, Ferne <mosley.ferne@epa.gov>

Subject: RE: close out report

can we do a little earlier. I have a 10:00 and I wanted to get started on the inputting right after.
maybe 9:30? or I can do 9:00 as well.

From: Mosley, Ferne <mosley.ferne@epa.gov>

Sent: Wednesday, January 13, 2021 5:58 PM

To: Molina, Michael <molina.michael@epa.gov>

Subject: RE: close out report

Hi, Michael – I can meet with you tomorrow. Will sometime between 10am-11am work for you?
Ferne

Ferne L. Mosley, Attorney-Advisor

U.S. Environmental Protection Agency
Ethics Office/Office of General Counsel
William Jefferson Clinton Building North, Room 4113A
1200 Pennsylvania Ave, NW
Washington, DC 20460
(202) 564-8046 (desk)
(202) 306-2998 (mobile)
mosley.ferne@epa.gov

From: Molina, Michael <molina.michael@epa.gov>

Sent: Wednesday, January 13, 2021 5:56 PM

To: Mosley, Ferne <mosley.ferne@epa.gov>

Cc: Payne, James (Jim) <payne.james@epa.gov>

Subject: close out report

Good evening Ferne,

I have all the information for my close out report and have time set aside on my calendar to morrow to finish it out. Would you be available for a quick call though in the AM so that I know that I am doing it correctly and fulfilling my obligations. I think I have an understanding, I just want to be

certain.

Thank you for your consideration.

MM

Michael D. Molina

Deputy Chief of Staff

U.S. Environmental Protection Agency

Molina.Michael@epa.gov

(202) 564-3972

(202) 568-1602 (c)

From: [Fugh, Justina](#)
To: [Molina, Michael](#)
Subject: RE: Don't forget ... you still have to take the 2019 Annual Ethics Training!
Date: Thursday, January 2, 2020 1:19:00 PM

Ha! Can you please be sure that the Administrator takes his training too? And even though you completed the 2019 training in 2020 (a tad late), you're still going to be on the hook to take the 2020 ethics training too!

Cheers,

justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Molina, Michael
Sent: Thursday, January 02, 2020 12:48 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Don't forget ... you still have to take the 2019 Annual Ethics Training!
Sorry I am 36.47 hours late. For that time, I made absolutely no decisions what so ever.

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Monday, December 23, 2019 12:20 PM
Subject: Don't forget ... you still have to take the 2019 Annual Ethics Training!
Dear YOU --

The OGC/Ethics holiday elves are checking our list, and we have identified YOU as being someone who has not yet taken your annual ethics training. EEK! This year's course addresses financial conflicts of interest and losses of impartiality. Come on, get it done so you don't get a lump of coal from your ethics friends! You have until **DECEMBER 31, 2019** to complete the training and, sadly, we are not permitted to grant extensions.

FOLLOW THIS LINK TO ACCESS THE TRAINING:

<https://epafedtalent.ibc.doi.gov/course/view.php?id=9936>

Be sure to use your LAN ID and PASSWORD or PIV card to log in to FedTalent. And if you experience problems, call the FedTalent help desk: Phone: 1-888-367-1622 option 3,6 (M-F 6:00am-5:30pm MDT) or Email: HRMS_Helpdesk@ios.doi.gov.

There was no in-person training for SESers this year, so we expect you to take the online course. If you really took the training, but are getting this nag anyway, then please contact me so we can sort out what happened. Our electronic trackers are not infallible, after all. And if you are a new employee who had initial ethics training in person with an ethics official or took the New Employee Online Training in 2019, then that already counts. In that case, contact me so that I can give you credit for having met the training requirement already.

Otherwise, please take your training soon!

Cheers,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: [Ross, Margaret](#)
To: [Molina, Michael](#)
Subject: RE: Draft periodic transaction report question
Date: Wednesday, April 15, 2020 6:25:00 PM

Thanks Michael! I know we received the form, so someone will review it shortly.

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432 | [Visit us online!](#)

From: Molina, Michael <molina.michael@epa.gov>
Sent: Wednesday, April 15, 2020 5:08 PM
To: Ross, Margaret <Ross.Margaret@epa.gov>
Subject: RE: Draft periodic transaction report question
I think this is all done now.

From: Ross, Margaret <Ross.Margaret@epa.gov>
Sent: Tuesday, March 3, 2020 12:08 PM
To: Molina, Michael <molina.michael@epa.gov>
Subject: Draft periodic transaction report question

Hi Michael,

It looks like there is a discrepancy with your transaction report submissions. It looks like you completed a transaction report, but have not yet submitted it. At the same time, we have a transaction report that you did submit that is actually blank. I think that you may have accidentally submitted the wrong one?

I know you're super busy these days, but if you can give me a call, I can help you submit the right one.

Cheers,

Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432 | [Visit us online!](#)

From: [Fugh, Justina](#)
To: [Molina, Michael](#)
Cc: [Mosley, Ferne](#)
Subject: RE: ETF transactions
Date: Monday, July 13, 2020 2:44 00 PM

Michael,

First of all, congratulations on successfully submitting your periodic transaction report. I understand that both Ferne and Margaret Ross helped to demystify the submission process for you, and I'm glad that's worked out now.

What Ferne is saying is this:

- You are not required to report transactions related to *exchange traded funds* (a type of asset) periodically. Instead, the reporting requirement for those transactions is annually in Part 7 (transactions);
- At your election, however, you may choose to report those ETF transactions now on the periodic report, but if so, you have to do it correctly. You have to give us the name of the fund itself, not just the name of the brokerage company.
 - So, for example, you reported a (b) (6) [REDACTED] You didn't tell us what fund was actually purchased at all.
 - Other examples are (b) (6) [REDACTED].
- Ferne offered to return your report to you so that you can delete those entries altogether, but reminded you that, in the future for your next report, you have to provide more information; or
- She advised you that you could fix the reporting now and then just upload that information into the transaction section of your next annual report.

Bottom line is that you will still need to contact your advisor in order to find out what (b) (6) [REDACTED] were bought and sold. Whether you do that now (and revise your transaction report now) or later (when you file your next annual report) is up to you.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Molina, Michael
Sent: Monday, July 13, 2020 2:18 PM
To: Mosley, Ferne <mosley.ferne@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: ETF transactions
I don't know what this means. I'll ask my advisor.

Sent from my iPhone

On Jul 13, 2020, at 2:16 PM, Mosley, Ferne <mosley.ferne@epa.gov> wrote:

Hi, Michael – I'm reviewing your periodic transaction report. There are several entries which appear to relate to Exchange Traded Funds (ETF) transactions, but only the holding company of the ETF is reported and not the name of the specific ETF that was either bought or sold. So, if you choose to include ETF transactions on your periodic reports, these entries require additional information to include the fund name. I will return the report to you in the system of you want to keep these in a periodic report.

This is also true on some of your entries in your annual report so I have to get that information to you separately to annotate that report as I missed the incomplete fund names before certifying it.

In the alternative, since ETF transactions are not subject to periodic reporting, I can delete all of the incomplete ETF transactions on the 278T, but you will have to report them by name on your next complete report which will be either your next annual report due in May 2021 or a termination report if you depart earlier. So, it's a matter of doing it now or later for your 2020 transactions on this report. One advantage to including them now is that you can import these into your next report, but ETFs and mutual funds are overreported on a periodic transaction report, so they don't have to be reported now, if they are, they have to be complete.

For example, the transactions in question are those relating to (b) (6) [REDACTED]

[REDACTED]
<image001.png>

<image003.png>



Just let me know how you want to handle this. I will get the specific items on your annual report under a separate email.

Ferne

Ferne L. Mosley, Attorney-Advisor

U.S. Environmental Protection Agency

Ethics Office/Office of General Counsel
William Jefferson Clinton Building North, Room 4113A
1200 Pennsylvania Ave, NW
Washington, DC 20460
(202) 564-8046 (desk)
(202) 306-2998 (mobile)
mosley.ferne@epa.gov

From: [Ross, Margaret](#)
To: [Molina, Michael](#)
Subject: RE: financials
Date: Thursday, August 8, 2019 7:13:00 AM

You Rock!!!

Let me know if you need anything today. I'm going to be working from home, and have meetings scattered throughout the day, but will be around.

Best,

Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

From: Molina, Michael <molina.michael@epa.gov>

Sent: Wednesday, August 7, 2019 4:34 PM

To: Ross, Margaret <Ross.Margaret@epa.gov>

Subject: RE: financials

Ok – I have finished all the entries for spouse and ME!

I don't know if you read my prior email, but I am going to go back and start correcting the year dates.

I just don't know if I will have time next week.

MM

From: Ross, Margaret

Sent: Wednesday, August 7, 2019 10:27 AM

To: Molina, Michael <molina.michael@epa.gov>

Subject: RE: financials

Sure. I'll be by at 11.

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

From: Molina, Michael <molina.michael@epa.gov>

Sent: Wednesday, August 7, 2019 10:01 AM

To: Ross, Margaret <Ross.Margaret@epa.gov>

Subject: Re: financials

Thanks. Can you do 11:00ish today. Just to show me the steps and I'll get most of the transactions done today.

MM

Sent from my iPhone

On Aug 7, 2019, at 9:14 AM, Ross, Margaret <Ross.Margaret@epa.gov> wrote:

Hi Michael,

Excellent! Congrats! That was no small step.

I'm here, working on a big project I'll be at all day. I may (or may not) need to (b) (6)

so we're going to play the day by ear. Regardless of whether I'm here or home, I'm at your service.

Best,

Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

From: Molina, Michael <molina.michael@epa.gov>

Sent: Tuesday, August 6, 2019 6:35 PM

To: Ross, Margaret <Ross.Margaret@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>

Subject: financials

I have completed the updates for my submission.

Margaret, with your help, I will be able to do all the transactions tomorrow. I don't want to start those tonight as it looks a little different. With a quick tutorial, I'll finish it tomorrow.

MM

Michael D. Molina

Deputy Chief of Staff

U.S. Environmental Protection Agency

Molina.Michael@epa.gov

(202) 564-3972

(202) 568-1602 (c)

From: [Mosley, Ferne](#)
To: [Molina, Michael](#)
Subject: RE: Follow-up discussion with Ferne Mosley/Ethics
Date: Wednesday, May 29, 2019 10:06:00 AM

Yes, that works!

Ferne L. Mosley, Attorney-Advisor
Ethics Office – Office of General Counsel
U.S. Environmental Protection Agency
William Jefferson Clinton Building – North, Room 4413A
Washington, DC 20460 (for ground deliveries: 20004)
Mail Code 2311A
Desk phone: (202) 564-8046
Cell phone: (202) 306-2998

-----Original Message-----

From: Molina, Michael
Sent: Wednesday, May 29, 2019 10:06 AM
To: Mosley, Ferne <mosley.ferne@epa.gov>
Subject: Re: Follow-up discussion with Ferne Mosley/Ethics

2:45?

Sent from my iPhone

> On May 29, 2019, at 9:58 AM, Mosley, Ferne <mosley.ferne@epa.gov> wrote:

>

> Hi - I have a conference call with the lab in Ann Arbor from 3:30-5:00pm but let me see if I can shuffle it around.

>

> Ferne L. Mosley, Attorney-Advisor

> Ethics Office – Office of General Counsel U.S. Environmental

> Protection Agency William Jefferson Clinton Building – North, Room

> 4413A Washington, DC 20460 (for ground deliveries: 20004) Mail Code

> 2311A Desk phone: (202) 564-8046

> Cell phone: (202) 306-2998

>

> -----Original Appointment-----

> From: Molina, Michael

> Sent: Wednesday, May 29, 2019 9:55 AM

> To: Mosley, Ferne

> Subject: New Time Proposed: Follow-up discussion with Ferne

> Mosley/Ethics

> When: Wednesday, May 29, 2019 1:30 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).

> Where: Michael's office

>

> Can we move this event to today at 3:30 pm?

From: [Ross, Margaret](#)
To: [Molina, Michael](#); [Fugh, Justina](#)
Subject: RE: Integrity
Date: Tuesday, August 13, 2019 1:14:00 PM

Done!

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

From: Molina, Michael <molina.michael@epa.gov>

Sent: Monday, August 12, 2019 4:28 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>

Subject: Integrity

Justina/Margaret,

I have submitted my 2019 FD form. I mad ethe boo-boo of miss dating about (b) (6) of the transaction dates. I was hoping to find time today to change them, but I did not. I am out of the office tomorrow. To be clear, the dates at the same...by that I mean, August 12, Sept 14, Oct 10, I just listed them as 2019 on accident. If you can review the rest of the document, I can change the dates later this week. My apologies.

MM

Michael D. Molina

Deputy Chief of Staff

U.S. Environmental Protection Agency

Molina.Michael@epa.gov

(202) 564-3972

(202) 568-1602 (c)

From: [Fugh, Justina](#)
To: [Molina, Michael](#)
Cc: [Ross, Margaret](#); [Mosley, Ferne](#)
Subject: RE: Integrity.gov: Past Due Reminder
Date: Monday, May 20, 2019 10:02:00 PM

Hi Michael,

We actually can't grant any extensions after the deadline has passed, but your deadline should not have been May 15th in the first place. For a variety of reasons, we've not come to closure on your new entrant report, so I previously gave you a 90 day extension of time to 8/13/19 anyway.
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

-----Original Message-----

From: Molina, Michael
Sent: Friday, May 17, 2019 1:06 PM
To: ethics <ethics@epa.gov>
Subject: FW: Integrity.gov: Past Due Reminder

With sincere apologies, I am formally asking for a small extension. I will be working on this this weekend.

Thank you

Michael

Michael D. Molina
Deputy Chief of Staff
U.S. Environmental Protection Agency
Molina.Michael@epa.gov
(202) 564-3972
(202) 568-1602 (c)

-----Original Message-----

From: Integrity.gov <notifications@integrity.gov>
Sent: Wednesday, May 15, 2019 8:26 PM
To: Molina, Michael <molina michael@epa.gov>
Subject: Integrity.gov: Past Due Reminder

This notice is a reminder that your 2019 Annual report was due on 05/15/2019. You may access the report by logging into Integrity at <https://integrity.gov>. If you have any questions concerning filling out of the report, send a note to ethics@epa.gov and we'll get back to you within 48 hours.

From: [Ross, Margaret](#)
To: [Molina, Michael](#); [Fugh, Justina](#)
Subject: RE: Integrity
Date: Tuesday, August 13, 2019 9:06:00 AM

I'll make the changes this morning.

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432


From: Molina, Michael <molina.michael@epa.gov>

Sent: Monday, August 12, 2019 4:28 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>

Subject: Integrity

Justina/Margaret,

I have submitted my 2019 FD form. I mad ethe boo-boo of miss dating about  of the transaction dates. I was hoping to find time today to change them, but I did not. I am out of the office tomorrow. To be clear, the dates at the same...by that I mean, August 12, Sept 14, Oct 10, I just listed them as 2019 on accident. If you can review the rest of the document, I can change the dates later this week. My apologies.

MM

Michael D. Molina

Deputy Chief of Staff

U.S. Environmental Protection Agency

Molina.Michael@epa.gov

(202) 564-3972

(202) 568-1602 (c)

From: [Fugh, Justina](#)
To: [Ross, Margaret](#)
Cc: [Molina, Michael](#); [Griffo, Shannon](#)
Subject: RE: Michael Molina's NE Report
Date: Wednesday, March 6, 2019 12:52:00 PM

Hi,

Oh, I'm so glad that we're able to move Michael along! Thanks for the recap. Now we have to turn our considerable attention to drafting his recusal, especially in light of his new position (congratulations!).

Michael -- Shannon Griffo (another fabulous member of Team Ethics, copied here) will draft the recusal statement, but we will need to know about your duties. For example, from my review of your incomplete 278, I was concerned about your ability to work on (b) (6)

Can you give Shannon a brief description of your duties as the Deputy Chief of Staff?

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Ross, Margaret
Sent: Wednesday, March 06, 2019 12:27 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Molina, Michael <molina.michael@epa.gov>
Subject: Michael Molina's NE Report

Hi Justina,

I spoke with Michael Molina, and his report will have all the correct info to complete the report by the end of the week. He will be speaking with his financial advisor today, and I've provided him with language to use in requesting what we need re: income #'s.

While his report isn't certified, I believe that all of the information you would require to draft a recusal statement is there, either in the report, or in the replies he made to comments.

Once the income information is entered, he'll resubmit, and I will add the parent-child relationships that need to be added. He emailed me the data I'll require, and it will answer some of the questions/comments you made in the report.

At that point all of the questions you asked in your review will be answered, and it will be ready for certification.

Best,

Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

From: [Ross, Margaret](#)
To: [Molina, Michael](#)
Subject: RE: One more thing: Transactions
Date: Friday, March 22, 2019 2:45:00 PM

I think all is well.

Shannon Griffo (who drafts our recusal statements) is reviewing your report, along with the information you've already provided about your duties in your new position, to see whether there are any potential concerns. If anything comes up as a concern, they'll draft a recusal statement, and discuss with you. There are a couple of different ways to prevent a potential conflict, but a recusal memo is the most common. And you might not need one at all!

I'll make sure to remind Justina and Shannon next week that you're still waiting to hear back about your report, and about whether any remedies (like a recusal) will be required.

For the moment, though, you have done everything you need to do. Have a great weekend!

Best,

Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

From: Molina, Michael

Sent: Friday, March 22, 2019 1:45 PM

To: Ross, Margaret <Ross.Margaret@epa.gov>

Subject: RE: One more thing: Transactions

I havnt heard anything back, so I guess that means I'm good <fingers crossed>

MM

From: Ross, Margaret

Sent: Wednesday, March 6, 2019 12:52 PM

To: Molina, Michael <molina.michael@epa.gov>

Cc: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: One more thing: Transactions

Hi Michael,

I forgot to mention this on the phone, but you will also be responsible for reporting any transactions (purchases or sales) of any individual stocks or bonds over \$1000 in a periodic transaction report. For example, if your financial advisor sold (b) (6), you (or a designee) would need to go into INTEGRITY and submit a 278 Transaction Report (also called a 278T) within 30 days of being notified about the trade, or within 45 days of the trade itself.

You do not need to report transactions involving EIFs (your ETFs, mutual funds, etc.) in periodic transaction reports, but you will need to report all transactions involving EIFs in your annual report, so some people go ahead and include them in their 278Ts as well. All 278T reports can be uploaded into your annual report.

I'm attaching a guide to 278T reporting for your information and to share with your financial advisor, and I am happy to make myself available if you need to talk to me about any of this or if you want a hand filling in a transaction report.

Best,

Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221

|work cell 202-527-0432

From: [Mosley, Ferne](#)
To: [Molina, Michael](#)
Subject: RE: Periodic transaction report
Date: Wednesday, October 7, 2020 3:08:00 PM

Thanks, Michael – I'll make those edits; it's not a problem, so no worries.

Have a good afternoon.

Ferne

Ferne L. Mosley, Attorney-Advisor

U.S. Environmental Protection Agency
Ethics Office/Office of General Counsel
William Jefferson Clinton Building North, Room 4113A
1200 Pennsylvania Ave, NW
Washington, DC 20460
(202) 564-8046 (desk)
(202) 306-2998 (mobile)
mosley.ferne@epa.gov

From: Molina, Michael <molina.michael@epa.gov>

Sent: Wednesday, October 7, 2020 3:05 PM

To: Mosley, Ferne <mosley.ferne@epa.gov>

Subject: Re: Periodic transaction report

Hi Ferne - I thought that was the case. But I'll be honest with you, I still don't know what the difference is. I will remind my advisor not to list them next month. I guess you should delete them all. My apologies and I appreciate your assistance.

MM

Sent from my iPad

On Oct 5, 2020, at 2:38 PM, Mosley, Ferne <mosley.ferne@epa.gov> wrote:

Hello, Michael – thanks for submitting your periodic transaction report. I notice on this report, you've reported some mutual funds/ETFs, but you didn't provide the complete name of the fund/ETF for this item:

<image001.png>

You have a few options here -

1. do you want to get the additional information and add it to the report;
2. should I delete this transaction and have you report it on your next full report that requires mutual fund transactions; or
3. do you again want me to delete all of the mutual fund/ETF transactions on this report and you can add them on your next full report (e.g., next annual or a termination report if you depart before May 15, 2021?)

Please let me know.

Thanks,

Ferne

Ferne L. Mosley, Attorney-Advisor

U.S. Environmental Protection Agency

Ethics Office/Office of General Counsel

William Jefferson Clinton Building North, Room 4113A

1200 Pennsylvania Ave, NW

Washington, DC 20460

(202) 564-8046 (desk)

(202) 306-2998 (mobile)

mosley.ferne@epa.gov

From: [Ross, Margaret](#)
To: [Molina, Michael](#)
Subject: RE: Reminder to finalize your Annual 278 report.
Date: Tuesday, August 6, 2019 1:43:00 PM

Hi Michael,

I have a meeting that runs until 3:30. I could come immediately after that. Would that work?

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

From: Molina, Michael <molina.michael@epa.gov>
Sent: Tuesday, August 6, 2019 1:33 PM
To: Ross, Margaret <Ross.Margaret@epa.gov>
Subject: RE: Reminder to finalize your Annual 278 report.

Hi Margaret,

Do you have time around 3:05 today to go over my spouses section with me. The Excel sheet they gave me is a bit different, and I want to make sure I do this right.

From: Ross, Margaret
Sent: Tuesday, August 6, 2019 9:24 AM
To: Molina, Michael <molina.michael@epa.gov>
Subject: Reminder to finalize your Annual 278 report.
Importance: High

Hi Michael,

I believe that you now have all of the data you require from (b) (6) to complete your annual report. As you already know, it's due on Tuesday the 13th – a week from today. Please let me know if you need any assistance.

Best,

Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

From: [Fugh, Justina](#)
To: [Molina, Michael](#)
Cc: [Griffo, Shannon](#); [Ross, Margaret](#)
Subject: RE: submitted
Date: Thursday, March 14, 2019 4:49:00 PM

Okay! Thanks, Margaret. I'll look at it over the weekend.

MICHAEL – Shannon Griffo, copied here, is working on your recusal statement in your new position. You mentioned to me that you anticipate not working in the more direct regulatory areas like enforcement or permitting, but rather in issues related to OITA and ... something else that I can't now remember. Can you remind us what that other area(s) is or are?

Thanks,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Ross, Margaret
Sent: Thursday, March 14, 2019 4:24 PM
To: Molina, Michael <molina.michael@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: submitted

Michael is right. I looked it over, and it reflects the changes to income, includes (b) (6) [REDACTED], and has all assets reported.

It's ready for you Justina!

Best,

Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

From: Molina, Michael
Sent: Thursday, March 14, 2019 3:51 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>
Subject: submitted

I really do think I did everything right this time.

Michael D. Molina

Deputy Chief of Staff

U.S. Environmental Protection Agency

Molina.Michael@epa.gov

(202) 564-3972

(202) 568-1602 (c)

From: [Ross, Margaret](#)
To: [Fugh, Justina](#); [Molina, Michael](#)
Subject: RE: Troubles with INTEGRITY
Date: Wednesday, June 13, 2018 9:09:00 AM

Hi Michael,

Feel free to give me a call. My calendar is up to date.

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221

From: Fugh, Justina

Sent: Tuesday, June 12, 2018 5:13 PM

To: Molina, Michael <molina.michael@epa.gov>

Cc: Ross, Margaret <Ross.Margaret@epa.gov>

Subject: Troubles with INTEGRITY

Hi Michael,

So sorry to hear that you're having trouble with the INTEGRITY system. Do not take it personally! Instead, I'm putting you in touch with Margaret Ross (you sat near her at today's briefing). She's at 564 3221 and will be happy to help you out.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: [Fugh, Justina](#)
To: [Molina, Michael](#)
Subject: Re: Yoo hoo! Don't forget about your public financial disclosure report!
Date: Monday, May 4, 2020 10:18:47 AM

No. You have to give a reason and, respectfully, you have not really demonstrated respect for the financial disclosure responsibilities in the past. We can't give you an extension "just because."

Sent from my iPhone

On May 4, 2020, at 10:00 AM, Molina, Michael <molina.michael@epa.gov> wrote:

I am working on this this week. but can I please have an extension, just in case I don't make it?
thank you
Michael

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Tuesday, April 28, 2020 6:04 PM
Subject: Yoo hoo! Don't forget about your public financial disclosure report!
Hi there,

Look, you're home anyway so why not tackle one of those chores you know you have to do? Your public financial disclosure report is due **May 15, 2020**. We can tell that, as of today, you haven't even started. Sigh. You are required to file this report at www.integrity.gov so contact me if you don't understand why you receiving this message.

The U.S. Office of Government Ethics *did not alter* the May 15 due date because it's set by statute. If necessary, we may grant you an extension of the due date up to 45 days or, for extraordinary circumstances (e.g., extended sick leave), up to 90 days. To request a deadline, write to us prior to May 15 and provide a specific reason (just saying "COVID 19" is not a specific enough; we need to know why YOU can't make the deadline), and tell us whether you need 45 or 90 days. **To request an extension, please send an email to ethics@epa.gov.** You will get an email response from us with our determination.

WHAT HAPPENS IF YOU MISS THE DEADLINE

There's that pesky \$200 late filing fee. We reminded all filers last year (see attached pdf) that you must respect the filing deadlines and provide an accurate report.

- **Late fee: a \$200 late filing fee is imposed by law for any financial disclosure report filed more than 30 days after the due date.** A waiver of the late fee will be granted only for extraordinary circumstances. If you need more time, request an extension from ethics@epa.gov *before the deadline*.

DON'T FORGET TO REPORT TRANSACTIONS

- For your annual report, you can upload your periodic transaction reports (OGE 278Ts) that you filed during the year. Also remember to report the purchases, sales or exchanges of any excepted investment funds (over \$1000 per transaction). You can refresh your recollection about

transactions filings by reviewing the attached word document.

- Periodic transaction reports (OGE 278-T) – Remember, you must file an OGE 278-T in *Integrity* to report the purchase, sale, or exchange of stocks, bonds, and other securities over \$1,000 within 30 days of receiving notification of the trade but not later than 45 days after the trade itself. Again, we can fine you \$200 for any missed transaction filing.

DO YOUR BEST TO REPORT ALL NECESSARY INFORMATION

- Submit a complete and accurate report: When you submit your report, you are certifying that the report is complete and accurate, so make sure that you provide all of the required information. Look, we know this report can be confusing, so contact us before you file if you have questions. Don't just ignore the obligation or the deadline!
- Do not include Personally Identifiable Information (PII): To protect your privacy, we recommend that you do not disclose personally identifiable information such as account numbers, names of your spouse or children, names of your domestic financial institutions, or other PII. We will do our best to redact this information if you inadvertently disclose it on your report, but the best practice is for you to omit disclosing this information.

GET BACK TO US WITHIN 14 DAYS

- Respond timely to our follow-up questions: If someone from OGC/Ethics contacts you for additional information, you must respond within 14 days of the request or show good cause for your delay. If you willfully fail to file a report or fail to provide the necessary information, then please know that there are consequences. You may be referred to the U.S. Attorney General for civil prosecution. I know it seems harsh, but you have a serious responsibility here, and we have a duty to enforce this obligation. Once, I had to refer a former EPA person who, despite multiple reminders and entreaties, still failed to file her termination 278. In the end, she submitted her form and also paid a civil penalty of \$15,000.

REMINDER ABOUT WHAT "PUBLIC" DISCLOSURE MEANS

- Your report is available to the public upon request: We are required by law to release any OGE 278e or 278-T after 30 days of filing upon the written request by a member of the public. We do not need your prior permission, though we will send you a courtesy email (unless the requestor is a federal investigator). Just so you know, OGC/Ethics is currently processing several requests from media outlets and other organizations to inspect the public reports of Agency filers.

Please contact me or ethics@epa.gov if you have questions. Your OGC/Ethics friends are standing by to help as always!

Stay safe and stay strong!
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: [Ross, Margaret](#)
To: [Molina, Michael](#)
Cc: [Duross, Jeanne](#); [Fugh, Justina](#)
Subject: RE: Your Financial Disclosure Report
Date: Wednesday, March 6, 2019 11:12:00 AM

Sure. Will do.

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

From: Molina, Michael

Sent: Wednesday, March 6, 2019 9:58 AM

To: Ross, Margaret <Ross.Margaret@epa.gov>

Cc: Duross, Jeanne <Duross.Jeanne@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>

Subject: RE: Your Financial Disclosure Report

Oh, definitely not. Can you call me around 11:30? I'll be at my desk.

Thank you ...MM

Michael D. Molina

Senior Advisor to the Administrator

U.S. Environmental Protection Agency

Molina.Michael@epa.gov

(202) 564-3972

(202) 568-1602 (c)

From: Ross, Margaret

Sent: Wednesday, March 6, 2019 9:52 AM

To: Molina, Michael <molina.michael@epa.gov>

Cc: Duross, Jeanne <Duross.Jeanne@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>

Subject: RE: Your Financial Disclosure Report

Absolutely. I'm working from home today. Do you need to there in person? If so, I could be there by about 11:30.

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

From: Molina, Michael

Sent: Wednesday, March 6, 2019 9:34 AM

To: Ross, Margaret <Ross.Margaret@epa.gov>

Cc: Duross, Jeanne <Duross.Jeanne@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>

Subject: Re: Your Financial Disclosure Report

Thank you Margaret. I hate to bug you during your lunch hour, but do you have time today to go over my report with me and provide final guidance on what I need to close out? I'm free after 11:15ish through 2:00

MM

Sent from my iPhone

On Mar 6, 2019, at 8:53 AM, Ross, Margaret <Ross.Margaret@epa.gov> wrote:

Hi Michael,

Jeanne Duross mentioned to me that you might be reaching out regarding your new entrant financial disclosure report. I'm eager to help!

This has become a bit more urgent because you're moving into a new, more visible position, and it's possible that your financial disclosure form will be requested by members of the press using the OGE 201 form/process. Members of the press and of congress regularly request all public financial disclosure reports for all political appointees. We are **required** to release these documents to them, regardless of whether they are complete, or have been certified.

The other issue, as I'm sure Justina and Jeanne have told you, is that it sounds like you may need some recusals in place, and a structure to help prevent you from running into criminal conflicts of interest in your new job. (Yes, criminal!) We can't do that until we're clear on all of the assets that are imputed to you.

We know that this is an extremely intrusive report, and requires a high level of detail, and that you've already put a **ton** of effort into completing it. From what Jeanne tells me, you're almost to the finish line. I'm happy to work with you, (b) (6), your financial advisor; anyone you designate. I can also take calls in the evenings and on weekends (with some exceptions, because otherwise my family would be unhappy with me!) if that's most convenient for you. I have scheduled telework on Wednesdays and Fridays, but if you need me in person, I'm happy to come in. Bottom line – I'm here to help you get this done in whatever way is most convenient to you, and most efficient for the completion (and certification) of the report.

Please give me a call, or send me an email, or send me an invite...your choice!

I'll look forward to hearing from you soon!

Best,

Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 | work cell 202-527-0432

From: [Ross, Margaret](#)
To: [Molina, Michael](#)
Subject: RE: Your Financial Disclosure Report
Date: Wednesday, March 6, 2019 12:52:00 PM

Stick with your filing date. Let's not move the goalpost!

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

From: Molina, Michael

Sent: Wednesday, March 6, 2019 12:34 PM

To: Ross, Margaret <Ross.Margaret@epa.gov>

Cc: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: RE: Your Financial Disclosure Report

Thank you so much Margaret,

One point for clarification. My Start date was actually in May of 18. Do I have him do 2017 plus 2018 to May, or do I have him do 2017 plus 2018 up to September which was my filing date?

Thanks again for your help...MM

From: Ross, Margaret

Sent: Wednesday, March 6, 2019 12:19 PM

To: Molina, Michael <molina.michael@epa.gov>

Cc: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: RE: Your Financial Disclosure Report

Hi Michael,

It looks like we still need the correct income amounts. Income is defined as any distributions, dividends, etc., that were paid to the owner of the shares, even if those payments were immediately reinvested. The decision to reinvest is a choice that the owner of the shares makes about what he/she wants to do with the income, but it's still income.

The reporting period for this is the "preceding calendar year to filing date" – which for you means all of calendar year 2017 + 2018 up to your appointment (start) date in September.

When you submit, I'll help you by adding the parent-child relationships that are included in the spreadsheet you sent me, and enter your spouse's employer's name.

I think that'll be it!

Thank you!!!

Best,

Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

From: Molina, Michael

Sent: Wednesday, March 6, 2019 11:48 AM

To: Ross, Margaret <Ross.Margaret@epa.gov>

Subject: RE: Your Financial Disclosure Report

As of 9/6/18

From: Ross, Margaret

Sent: Wednesday, March 6, 2019 8:53 AM

To: Molina, Michael <molina.michael@epa.gov>

Cc: Duross, Jeanne <Duross.Jeanne@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>

Subject: Your Financial Disclosure Report

Importance: High

Hi Michael,

Jeanne Duross mentioned to me that you might be reaching out regarding your new entrant financial disclosure report. I'm eager to help!

This has become a bit more urgent because you're moving into a new, more visible position, and it's possible that your financial disclosure form will be requested by members of the press using the OGE 201 form/process. Members of the press and of congress regularly request all public financial disclosure reports for all political appointees. We are **required** to release these documents to them, regardless of whether they are complete, or have been certified.

The other issue, as I'm sure Justina and Jeanne have told you, is that it sounds like you may need some recusals in place, and a structure to help prevent you from running into criminal conflicts of interest in your new job. (Yes, criminal!) We can't do that until we're clear on all of the assets that are imputed to you.

We know that this is an extremely intrusive report, and requires a high level of detail, and that you've already put a **ton** of effort into completing it. From what Jeanne tells me, you're almost to the finish line. I'm happy to work with you, (b) (6), your financial advisor; anyone you designate. I can also take calls in the evenings and on weekends (with some exceptions, because otherwise my family would be unhappy with me!) if that's most convenient for you. I have scheduled telework on Wednesdays and Fridays, but if you need me in person, I'm happy to come in. Bottom line – I'm here to help you get this done in whatever way is most convenient to you, and most efficient for the completion (and certification) of the report.

Please give me a call, or send me an email, or send me an invite...your choice!

I'll look forward to hearing from you soon!

Best,

Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

From: [Ross, Margaret](#)
To: [Molina, Michael](#)
Subject: RE: Your New Entrant 278 and Annual 278.
Date: Monday, July 22, 2019 11:25:00 AM

Sure. I eat lunch early. 1pm – what's your office # again? Or would you rather skype?

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

From: Molina, Michael <molina.michael@epa.gov>

Sent: Monday, July 22, 2019 11:22 AM

To: Ross, Margaret <Ross.Margaret@epa.gov>

Subject: Re: Your New Entrant 278 and Annual 278.

Great. I am grabbing an early salad and will be back soon. But don't want to interrupt your lunch. Is 1:00 good?

Sent from my iPhone

On Jul 22, 2019, at 10:10 AM, Ross, Margaret <Ross.Margaret@epa.gov> wrote:

Bummer about Ohio – but it's always nice to have a surprise unscheduled day.

That name is great – it's all I'll need.

Give me a call if/when you want me to come over (or skype chat) and walk you through pre-populating your report. My only conflict is 2:30 to 3:30.

Best,

Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

From: Molina, Michael <molina.michael@epa.gov>

Sent: Monday, July 22, 2019 9:19 AM

To: Ross, Margaret <Ross.Margaret@epa.gov>

Subject: RE: Your New Entrant 278 and Annual 278.

Good morning Margaret.

It is listed as" (b) (6)

Is that clear? Or, I can call my guy and get something more specific.

Also – My flight to Ohio was canceled last night, so I could not make the trip. I am in my office today and can work on this.

Thank you for all your help.

MM

From: Ross, Margaret

Sent: Monday, July 22, 2019 8:54 AM

To: Molina, Michael <molina.michael@epa.gov>

Subject: RE: Your New Entrant 278 and Annual 278.

Yes – we need the name of the ETF. If you'll send it to me, I'll enter it for you. Then on Tuesday, we can focus on your annual report.
Enjoy Ohio!!

Best,

Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 | work cell 202-527-0432

From: Molina, Michael <molina.michael@epa.gov>

Sent: Friday, July 19, 2019 2:58 PM

To: Ross, Margaret <Ross.Margaret@epa.gov>

Subject: Re: Your New Entrant 278 and Annual 278.

In regard to point 2, i just talked to my advisor. It is most certainly the later. Do I need to specify the ETF?

I am in Ohio with the Administrator on Monday. But I will focus on this Tuesday.

And, I got all of my updates from my advisor too.

Thank you. MM

Sent from my iPhone

On Jul 19, 2019, at 9:44 AM, Ross, Margaret <Ross.Margaret@epa.gov> wrote:

Hi Michael,

Thanks for your call yesterday afternoon. I know you're away from your desk today, but thought this info might be helpful in prep for talking Monday. We're almost there.

I learned what's missing from your new entrant report. In part 2 (employment assets and income) you list an item called (b) (6)

[REDACTED]

I'm betting that it's the latter, and I'm also betting that the info we need is already in your spreadsheet. When we talk on Monday, we can get the specifics about the name, and that'll be it.

After we get that squared away, I can walk you through pre-populating your Annual report. That report will cover the months between your appointment date and 12/31/18. We'll import all of the data from your new entrant report, which you can update with any changes that may have occurred in those months. In addition, there are two new sections that are not included in new entrant reports. These are transaction reporting (any purchase or sale of a security in an amount more than \$1000), and gifts. To report transactions, you'll need the date of the transaction, the description of the asset, and the amount of the transaction.

I'll look forward to speaking with you on Monday, getting you across the finish line with your new entrant report, and getting you set up on your annual report.

Best,

Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA |
William Jefferson Clinton Federal Building Room 4310A North | Washington,
DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 | work cell
202-527-0432

From: [Ross, Margaret](#)
To: [Molina, Michael](#)
Subject: Reminder to finalize your Annual 278 report.
Date: Tuesday, August 6, 2019 9:24:00 AM
Importance: High

Hi Michael,

I believe that you now have all of the data you require from (b) (6) to complete your annual report. As you already know, it's due on Tuesday the 13th – a week from today. Please let me know if you need any assistance.

Best,

Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

From: [Fugh, Justina](#)
To: [Molina, Michael](#)
Cc: [Ross, Margaret](#)
Subject: Welcome to EPA Ethics (and your ethical filing obligations)
Date: Tuesday, May 15, 2018 5:38:00 PM
Attachments: [Distinctions between Reporting Transactions on the OGE 278 - January 201....docx](#)
[Hatch Act chart February 2017.docx](#)

Hi there --

My name is Justina Fugh, and I am the Senior Counsel for Ethics at the US Environmental Protection Agency. I understand that you recently started work at EPA in an **Administratively Determined** position as **Senior Advisor to the Deputy Administrator** (effective 5/13/18). Congratulations! In this position, you will be required by the Ethics in Government Act of 1978 to file the Office of Government Ethics Form 278, Public Financial Disclosure Report. My office reviews your information to assess any possible ethics implications. Your report will be due no later than 30 days following this notification. Until you complete the report, we won't have a handle on your possible conflicts issues and can't write a recusal statement for you, which may affect what you work on initially.

EPA uses an entirely electronic filing system (called INTEGRITY.gov or INTEGRITY), so you will file the form (called the OGE 278e) electronically. You are required by law to complete the form, so please don't disregard this requirement; in fact, failure to complete the form timely can result in a \$200 late filing fee, and may also result in criminal or civil penalties.

There are several important things to know about the OGE-278e: (1) it is a public form (which means that anyone can ask for a copy of your form, but Congress repealed the requirement for public posting to the internet); (2) you have to fill it out every year you are in this position; (3) when you leave the position, you will have to file a termination report; and (4) you will be subject to a late filing fee of \$200 for not filing your report timely, and there are also civil and criminal penalties for failure to file at all or for inaccurate reporting.

THE FINANCIAL DISCLOSURE REPORT, OGE-278e

We have created an account for you in INTEGRITY, which is the electronic filing system operated and secured by the Office of Government Ethics (OGE). Your user ID will be your EPA email address and you have been assigned a "new entrant" report with the EPA's business address already included. Do not enter your personal home address in that place. Your filer category is "other." For help in INTEGRITY, check out the information on the OGC/Ethics website at

<http://intranet.epa.gov/ogc/Integrity/Landingpage.html> .

Once you receive the email from INTEGRITY.gov that will provide you with specific instructions, log into the federal government's max.gov site, the gateway to INTEGRITY. If you don't receive your account notification within three days, then please check your clutter box for messages from INTEGRITY.gov, or contact Margaret Ross so that we can follow up.

DEADLINE FOR SUBMITTING THE FORM

INTEGRITY will give you 30 days to complete the form. If you need additional time, you must contact me directly before your due date. There is a limit to how much additional time we can give you before late fees kick in, so please pay attention to this requirement.

HELPFUL HINTS FOR FILLING OUT THE FORM

- This is a wretched and exacting form.
- You will get three different places to report assets: filer's employment-related assets and income, spouse's employment related assets and income , and other assets and

income. So you are reporting the assets for yourself, your spouse and your dependent children. We don't really care where you report your assets, just that you do report them all someplace.

- You must include any investment asset that is worth more than \$1000. Include any income from any source that exceeded \$200 during the reporting period (including outside jobs or hobbies, rental income). Include any cash/savings accounts that have more than \$5000.
- Enter each asset separately. Don't lump items together on one line. Be sure to provide the valuation of the asset AND the amount of the income. For assets that aren't mutual funds, you also have to report the type of income (e.g., dividends, cap gains).
- For 401(k) or IRA plans, provide the name of each of the underlying assets. Don't just write "Vanguard IRA" or "mutual fund." You must specify each asset separately and give the valuation and amount of accrued investment income. The definition of "investment income" is NOT tied to what's taxable! You must report accrued income, even if tax deferred or exempt, that you got in the asset over the reporting period (which is last calendar year + this calendar year, up to the date of filing). Look at 1099 forms for the accrued income from investments or review your statements.
- Do not report your federal salary, your spouse's federal salary, or Thrift Savings Plan
- But if you (not your spouse) have any earned income (e.g., outside job, paid pension), you have to report the actual amount of that income.
- But if your spouse works outside of federal service, then include your spouse's employer but not the amount of your spouse's salary. If you are not legally married, do not report your significant other's employer.
- Don't forget to include any life insurance policies (whole life or variable life) as well as the underlying investments, but do not report term life insurance.
- If you have nothing to report in a section, be sure to click the "nothing to report" button

OTHER ETHICS REQUIREMENTS FOR YOU

STOCK ACT

Because you are required to file the form, you are also now subject to the STOCK Act. You are required to report any purchase, sale or exchange of stocks, bonds, commodities futures or other forms of securities when the amount of the transaction exceeds \$1000. Use INTEGRITY to disclose reportable transactions within 30 days of receiving notification of the transaction, but not later than 45 days after the transaction occurs. You will have to report transactions that occur within brokerage accounts, managed accounts, or other investment vehicles that you own or jointly own with your spouse or another person, as well as transactions of your spouse or dependent children. For a comprehensive review of reportable transactions, see EPA Ethics Advisory 2012-03 at http://intranet.epa.gov/ogc/ethics/Ethics_Advisory_2012-03.pdf and our revised chart, also attached.

HATCH ACT

You will be "lesser restricted" under the Hatch Act. Please familiarize yourself with the Hatch Act as it affects you, and from the EPA intranet (inside the firewall), can gain a good overview by reviewing our online training course at <http://intranet.epa.gov/ogcrmo01/ethics.htm> or by referring to our attached handy chart that reminds you of your restrictions.

CONTACTS

Margaret Ross or I will be happy to help you with your 278e form. We can be reached at ethics@epa.gov or individually at:

Margaret Ross, Ethics Officer, ross.margaret@epa.gov or 202-564-3221

Justina Fugh, Senior Counsel for Ethics, fugh.justina@epa.gov or 202-564-1786

Cheers,

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-178

When to Report Transactions

This table's guidance is effective beginning January 1, 2013 and for informational purposes only. Email ethics@epa.gov for specific questions.

	Periodic Transaction Report	Annual and/or Termination Report
Investment Assets	Report on the OGE 278-T?	Report on Schedule B of the OGE 278?
Transactions of \$1,000 or less		
• Any asset in which the transaction amount is \$1,000 or less regardless of the type of asset or who owns the asset	No	No
Your investment assets (or jointly held)		
• Your stocks	Yes	Yes
• Your bonds (except U.S. Treasury securities)	Yes	Yes
• Your commodity futures	Yes	Yes
• Your other investment securities	Yes	Yes
• Assets listed above in your (joint) brokerage accounts, (joint) managed accounts, IRAs, other retirement accounts, and/or other (joint) investment vehicles	Yes	Yes
Your spouse's investment assets		
• Spouse's stocks	Yes	Yes
• Spouse's bonds (except U.S. Treasury securities)	Yes	Yes
• Spouse's commodity futures	Yes	Yes
• Spouse's other investment securities	Yes	Yes
• Assets listed above in spouse's <u>own</u> brokerage account, managed accounts, IRAs, other retirement accounts, and/or other investment vehicles	Yes	Yes
Your dependent child's investment assets		
• Dependent child's stocks	Yes	Yes
• Dependent child's bonds (except U.S. Treasury securities)	Yes	Yes
• Dependent child's commodity futures	Yes	Yes
• Dependent child's other investment securities	Yes	Yes
• Assets listed above in dependent child's <u>own</u> brokerage account, IRAs, and/or other investment vehicles	Yes	Yes
Other investment assets irrespective of ownership		
• Real Property	No	Yes ¹
• Mutual funds, exchange traded funds, index funds and/or other "excepted investment funds" ²	No	Yes
• Any asset in which the transaction amount is \$1,000 or less	No	No
• Cash accounts (deposits and/or withdrawals)	No	No
• Money market accounts	No	No
• Money market funds	No	No
• Certificates of deposits	No	No
• US Treasury Securities (e.g., T bills, Treasury bonds, U.S. savings bonds)	No	No
• Federal Government Retirement Accounts (e.g., Thrift Savings Plan)	No	No
• Life insurance and annuities	No	No
• Collectibles	No	No
• Assets held within an excepted trust ³	No	No
• Transfer of assets between you, your spouse, and your dependent children	No	No

¹ You do not report the purchase or sale of your personal residence on Schedule B unless you rent it out at any time during the reporting period.

² To be an excepted investment fund (EIF), the asset must be:

- (a) widely held (more than 100 participants),
- (b) independently managed – arranged so that you neither exercise control nor have the ability to exercise control over the financial interests held by the fund, and
- (c) publicly traded (or available) or widely diversified.

There are several types of investment vehicles that are not excepted investment funds, including (but not limited to) managed accounts, investment clubs, trusts, 529 accounts, brokerage accounts, and individual retirement accounts (IRAs). You should note that the individual assets held within these types of investment vehicles may qualify as EIFs if, for example, your IRA holds a publicly-traded mutual fund. If you have questions about whether a particular asset or investment vehicle is an EIF, contact ethics@epa.gov.

³ OGC/Ethics must determine that your trust qualifies as an “excepted trust.” For help, email ethics@epa.gov.

Political Activities and Federal Employees

The Hatch Act, enacted in 1939, was amended in 1993 and 2012. It regulates the political activities of executive branch employees, excluding the President and Vice President. The following table summarizes what political activities EPA employees can and cannot do based on their appointment. Note: Public Health Service officers must adhere to 45 CFR Part 73, Subpart F, which is most similar to the Career SES/ALJ column.

Political activity means an activity “directed toward the success or failure of a political party, a candidate for partisan political office, or a partisan political group.”

Type of Activity	PAS*	Non-Career SES, Schedule C*, Title 42, SL/ST, AD*, GS, Other	Career SES, ALJs
Personal (off premises and off duty)			
Express support for or opposition to a political candidate when off duty	Yes	Yes	Yes
Run as a partisan candidate for nomination or office in a partisan election	No	No	No
Solicit and accept contributions for your campaign in a non-partisan election	Yes	Yes	Yes
Solicit a contribution from a member of your union	N/A	Yes	N/A
Work a phone bank asking individuals to volunteer	Yes	Yes	No
Campaign on behalf of a candidate in a partisan election	Yes	Yes	No
Be active on behalf of a candidate at political rallies or meetings	Yes	Yes	No
Attend political rallies and meetings	Yes	Yes	Yes
Contribute money to political organizations	Yes	Yes	Yes
Work in non-partisan voter registration drives	Yes	Yes	Yes
Work in partisan voter registration drives	Yes	Yes	No
Register and vote	Yes	Yes	Yes
Sign a nominating petition	Yes	Yes	Yes
Distribute campaign material in a partisan election	Yes	Yes	No
Work as an election judge, poll watcher, clerical worker on election day	Yes	Yes	Yes
Drive people to polling station on behalf of a campaign	Yes	Yes	No
Affecting Official Resources			
Use office time for political activity	Yes; IG-No	No	No
Use official space for political activity in general	Yes; IG-No	No	No
Fundraising			
Attend a political fundraiser	Yes	Yes	Yes
Solicit, accept or receive political contributions in general	No	No	No
Solicit or receive a political contribution on government premises	No	No	No
Plan or organize a political fundraiser when off duty	Yes	Yes	No
Sponsor, host, or allow your name as sponsor/host for a political fundraiser	No	No	No
Serve drinks or check coats at a political fundraiser	Yes	Yes	No
Speak at a partisan fundraiser without appealing for money	Yes	Yes	No
Allow only your name to be listed as speaker on fundraising invitation	Yes	Yes	No

*PAS = Political Appointee Confirmed by the Senate; Schedule C = political appointees not confirmed by Senate;
AD = Administratively Determined; SES = Senior Executive Service

From: [Fugh, Justina](#)
To: [Beck, Nancy](#); [Belser, Evan](#); [Benevento, Douglas](#); [Bertrand, Charlotte](#); [Best-Wong, Benita](#); [Bloom, David](#); [Bodine, Susan](#); [Bolen, Brittany](#); [Breen, Barry](#); [Busterud, John](#); [Carpenter, Wesley](#); [Carr, Brian](#); [Cook, Steven](#); [Darwin, Henry](#); [Deziel, Dennis](#); [Dickerson, Aaron](#); [Dieu, Martin](#); [Dunlap, David](#); [Dunn, Alexandra](#); [Fischer, David](#); [Forsgren, Lee](#); [Fotouhi, David](#); [Goerke, Ariadne](#); [Goldman, Lisa](#); [Grundler, Christopher](#); [Gulliford, Jim](#); [Gunasekara, Mandy](#); [Gustafson, Adam](#); [Hanson, Paige \(Catherine\)](#); [Harlow, David](#); [Hartman, Mark](#); [Hengst, Benjamin](#); [Henry, Tala](#); [Hill, Randy](#); [Hitchens, Lynnann](#); [Hladick, Christopher](#); [Hoverman, Taylor](#); [Idsal, Anne](#); [Irving, John](#); [Keigwin, Richard](#); [Kelley, Rosemarie](#); [Dekleva, Lynn](#); [Kramer, Jessica L.](#); [Lis-Coghlan, Kamila](#); [Lopez, Peter](#); [Lynch, Mary-Kay](#); [McDonough, Owen](#); [McIntosh, Chad](#); [McQueen, Ken](#); [Molina, Michael](#); [Moor, Karl](#); [Mottley, Tanya](#); [Mugdan, Walter](#)
Cc: [Keith, Jennie](#)
Subject: Your Invitation to ELI's 2020 Award Ceremony
Date: Thursday, September 24, 2020 11:47:03 AM

Hi there,

OGC/Ethics understands that you have received an invitation from the Environmental Law Institute (ELI) to be its virtual guest at its annual awards dinner and reception to be held on Thursday, October 15, 2020. Although there is no cost associated with the dinner itself, ELI is charging \$100 for non-federal participants at their reception. You have been offered free attendance at the reception. But if, on your own, you elect to pay for the reception anyway, then you must do so personally. EPA will not pay for your attendance.

I am writing to confirm that, if you decide to attend this event virtually, you may do so consistent with the Standards of Ethical Conduct for Employees of the Executive Branch and, if you are a political appointee, with the Trump Ethics Pledge.

This event qualifies for the Widely-Attended-Gathering gift exception and the donor is not a federally registered lobbyist. Thus, OGC/Ethics determines that your attendance at the event is in the Agency's interest because it will further agency programs and operations. Should you attend the dinner and/or reception, then you will NOT be required to report this as a gift on your financial disclosure report form because the fair market value is BELOW the reporting threshold.

This approval applies only to invitations from ELI itself. Any invitations from other sources will require separate determinations by either OGC or the appropriate Deputy Ethics Official. This determination covers you only -- the invitation is not transferable and is not intended for more than just one attendee.

Acceptance of Free Attendance to a Dinner and Fundraiser (WAG rule)

The gift offered is an evening reception and dinner sponsored by ELI. Because the organization is offering you a complimentary ticket, we must analyze it according to the gift rules. Generally, federal employees are prohibited from accepting gifts given because of their official position or given by a prohibited source (typically, a person either regulated by or seeking to do business with the EPA). In this instance, the gift of free attendance is offered to you because of your official position. In analyzing the situation, we determined that the WAG exception is available because the reception will be widely attended, there will be a diversity of views represented, and there is an opportunity for the exchange of ideas. In order to utilize this gift exception, OGC/Ethics must also make a written determination that we believe your attendance is in the Agency's interest. We do, in fact, conclude that there is an Agency interest in your attendance if you wish to attend virtually.

Please let me know if you have any questions.

Regards,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Message

From: Payne, James [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 5/19/2020 6:29:15 PM
To: Molina, Michael [molina.michael@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]; Griffo, Shannon [Griffo.Shannon@epa.gov]
Subject: RE: 2020 transactions

Thanks Michael. Adding and referring to Justina.

From: Molina, Michael <molina.michael@epa.gov>
Sent: Monday, May 18, 2020 6:44 PM
To: Payne, James <payne.james@epa.gov>
Subject: 2020 transactions

hi Jim,

as discussed, I have completed the Jan-April 2020 Transactions Report Ex. 6 Personal Privacy (PP) As I mentioned friday, there are some (what appear to be) duplicate transactions, but my advisor assures me that they are separate transactions. I apologize if this causes some consternation, but I don't know how to distinguish them when the company name, date and approximate amount Ex. 6 Personal Privacy (PP)

I know your team is busy with a lot of other filings from last year, but if someone can take a look at it and confirm that I did it to their satisfaction, it would be a load off my mind.

I have already asked my advisor to send my May's numbers by COB June 5.

regards,

Michael

Michael D. Molina
Deputy Chief of Staff
U.S. Environmental Protection Agency
Molina.Michael@epa.gov
(202) 564-3972
(202) 568-1602 (c)

Message

From: Payne, James (Jim) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 1/19/2021 9:19:19 PM
To: Molina, Michael [molina.michael@epa.gov]
Subject: Re: Final tally of late fees associated with your transaction reporting

And in response to your inquiry when we touched base just now, my home address is below and yes it's an option to send check to "US Treasury" directly to me there. During the pandemic, OGC paper mail is being delivered to me at this address.

Ex. 6 Personal Privacy (PP)

Best,

Jim
202-672-3727 cell

Sent from my iPhone

On Jan 19, 2021, at 4:01 PM, Payne, James (Jim) <payne.james@epa.gov> wrote:

Michael,

As briefly mentioned on or about Jan 15, as to the email below concerning the total of \$3200 in calculated late fees for late filing of statutorily-required ethics reports, your attached response of Nov 3, 2020 did not demonstrate "extraordinary cause" for further discounting the late fees beyond the already-discounted amount of \$1067.

I asked the Ethics Office to catalogue their interactions with you concerning your late submittal of ethics reports. My understanding is that they have had scores of interactions with you to remind you about needing to timely file these ethics reports and to assist you in preparing them. My estimate is that they provided you with at least 3-5 times more personal assistance than for any other agency employee, yet the required ethics reports were still late. And my understanding is that on at least several occasions they cautioned you about late fees for late filing. In addition, an Aug 2019 an email went from David Cozad, in his role then as DAEO, to all employees including you to provide notice about imposition of statutory late fees for late filing of these ethics reports. Other agency employees pay these late fees for late ethics reports, including two senior career officials in recent months.

To satisfy your obligation to pay late fees, not later than Jan 27 please mail to me in the EPA Office of General Counsel a check made out to "US Treasury" in the amount of \$1067 and email to me a PDF of the submittal. If this response does not occur by Jan 27, we are prepared to take next steps in collection and to proceed to collect the full, undiscounted amount of \$3200.

Note also that this pending obligation will disrupt certifications needed for employee outboarding, until met.

Jim Payne
Designated Agency Ethics Official (DAEO)
Deputy General Counsel for Environmental Media and Regional Law Offices
202-672-3727 cell

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Monday, September 28, 2020 2:33 PM
To: Molina, Michael <molina.michael@epa.gov>
Cc: Payne, James (Jim) <payne.james@epa.gov>
Subject: Final tally of late fees associated with your transaction reporting

Michael,

First of all, thank you very much for timely filing your last three periodic transaction reports. We have noticed and appreciate your effort! As a public filer, you are obliged to adhere to Ethics in Government Act and the STOCK Act that set forth certain filing requirements and deadlines. OGC/Ethics has reiterated these requirements to you before. Unfortunately, earlier this year, you submitted two periodic transaction reports that included multiple late notifications:

- Submitted 4/15/20 – reported transactions of which more than (or 67%) were tardy

But as you can see from the attached email, I notified you on 5/12/20 about the late notifications in the 4/15/2020 submittal and assessed late fees totaling \$2400. That amount was calculated because you missed at least one transaction in every month of CY 2019, for a late fee of \$200 per month.

OGC/Ethics understands that you contacted Jim Payne, the Designated Agency Ethics Official on this and expressed wanting to come into compliance by addressing a backlog of additional unreported transactions. To that end, we scheduled weekly meetings with you to assist in this effort. Although your subsequent submittal on 6/24/2020 was a step toward coming into compliance, you reported additional transactions untimely:

- Submitted 6/24/20 – reported transactions of which more than (or 85%) were tardy

As to this 6/24/20 transaction report, I noted four missed months of transactions, for an additional late fee of \$800. We note, however, that you have been complying with transaction reporting since the 6/24/2020 submittal. With respect to the past noncompliance, you are now assessed a total of \$3200 in late fees, as described above.

I have consulted with Jim Payne, who is mindful of the fact that you filed timely reports over the past three months. Jim has authorized us to discount your late fee by two-thirds to a total of **\$1067**. To pay the late fee at this discounted rate, please make out a check payable to the US Treasury in this amount and deliver it to my office, Room 4308 North Clinton building within 21 days. Then please notify me so that I will collect your check and ensure that it is sent to the EPA lockbox and deposited into miscellaneous receipts.

If, however, you wish to request any further waiver of the late fees, then please know that you must do so *in writing to both Jim Payne and me* and demonstrate “extraordinary” circumstances that caused you to file late. Bear in mind the fact that various members of the ethics office have had multiple conversations with you about the filing requirements and that, generally speaking, initial difficulties in navigating INTEGRITY for electronically filing these reports do not qualify as an “extraordinary” circumstance.

Thank you for your prompt attention to this matter,
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004
for the zip code) | phone 202-564-1786 | fax 202-564-1772

<mime-attachment>

<mime-attachment>

Message

From: Payne, James [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 2/25/2020 12:30:36 AM
To: Molina, Michael [molina.michael@epa.gov]
CC: Mosley, Ferne [mosley.ferne@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]
Subject: FW: Integrity.gov: Filing Reminder Assignment

Hi Michael,

Congratulations on your new role as acting chief of staff!

And related to the deputy COS and acting COS roles, sharing this reminder to provide the required 278-T forms in the Integrity electronic filing system with information on you and your spouse's qualifying transactions since Jan 1, 2019.

Completing the submittal will allow the Ethics Office to help analyze any necessary recusals and screening arrangements and promptly inform the Administrator.

The Ethics Office remains available to assist, including Ferne at mosley.ferne@epa.gov and Justina at Fugh.Justina@epa.gov.

I'm asking them to confer with you shortly on next steps.

Thank you for your attention to this and please let me know if/how I can assist.

Jim
214-490-6707 cell

From: Molina, Michael
Sent: Sunday, January 26, 2020 8:59 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Fwd: Integrity.gov: Filing Reminder Assignment

I am not going to get to this next week as I am on travel with AAW.

Sorry.

MM

Sent from my iPhone

Begin forwarded message:

From: "Integrity.gov" <notifications@integrity.gov>
Date: January 17, 2020 at 10:18:26 AM EST
To: "Molina, Michael" <molina.michael@epa.gov>
Subject: Integrity.gov: Filing Reminder Assignment
Reply-To: "Integrity.gov Notification" <notifications@integrity.gov>

This notice is a reminder that your 2020 Periodic Transaction report is due on 02/02/2020. Remember, there's no penalty for filing early. More importantly, filing your report will stop these annoying

reminders.

You may access the report by logging into Integrity at <https://integrity.gov>. If you have any questions concerning the filling out of the form, you can send a note to ethics@epa.gov and we'll get back to you within 48 hours.

Please let us know if you need an extension by sending an email to Justina Fugh or sending a request to ethics@epa.gov. You need to give a reason (e.g., workload, travel, need to gather materials) and say whether you need 45 or 90 additional days.

Also, check out our intranet site in INTEGRITY for more information:

<http://intranet.epa.gov/ogc/Integrity/Landingpage.html>

For additional guidance about filling out the OGE-278 annual and OGE-278-T periodic financial disclosure form, see: <https://www2.oge.gov/Web/278eGuide.nsf>

Message

From: Payne, James [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 7/28/2020 7:26:58 PM
To: Molina, Michael [molina.michael@epa.gov]
CC: Mosley, Ferne [mosley.ferne@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]
Subject: RE: ETF transactions

Hi Michael, checking if **tomorrow/Wed 11am eastern** works for you for this touch base? There is a Teams calendar invite. I'm aware the Administrator is traveling this week. Jim 202-672-3727 cell

From: Payne, James
Sent: Friday, July 24, 2020 2:36 PM
To: Molina, Michael <molina.michael@epa.gov>
Cc: Mosley, Ferne <mosley.ferne@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: ETF transactions
Importance: High

Hi Michael – could we schedule a time next week to see how we can help with the next steps for completing the report? My understanding is that the report needs the names of mutual funds involved with each of the transactions in itemized list in Ferne's 7/21/2020 email below. OGC Ethics remains available to talk on this with your financial manager, if helpful to you. We sent a Teams invite for Wed July 29, 11am. Jim 202-672-3727 cell

From: Mosley, Ferne
Sent: Tuesday, July 21, 2020 12:35 PM
To: Molina, Michael <molina.michael@epa.gov>
Subject: RE: ETF transactions
Importance: High

Hi, Michael – just checking in to see how you're coming along with getting the additional information from your broker?

Thanks, Ferne

Ferne L. Mosley, Attorney-Advisor
U.S. Environmental Protection Agency
Ethics Office/Office of General Counsel
William Jefferson Clinton Building North, Room 4113A
1200 Pennsylvania Ave, NW
Washington, DC 20460
(202) 564-8046 (desk)
(202) 306-2998 (mobile)
mosley.ferne@epa.gov

From: Mosley, Ferne
Sent: Monday, July 13, 2020 3:41 PM
To: Molina, Michael <molina.michael@epa.gov>
Subject: RE: ETF transactions

OK. I'll stand by.

For your annual report (attached), here are the ones that need further description:

Part 2: **Ex. 6 Personal Privacy (PP)**

Part 5: **Ex. 6 Personal Privacy (PP)**

Part 7: **Ex. 6 Personal Privacy (PP)**

Ex. 6 Personal Privacy (PP)

Thanks, Ferne

Ferne L. Mosley, Attorney-Advisor

U.S. Environmental Protection Agency
Ethics Office/Office of General Counsel
William Jefferson Clinton Building North, Room 4113A
1200 Pennsylvania Ave, NW
Washington, DC 20460
(202) 564-8046 (desk)
(202) 306-2998 (mobile)
mosley.ferne@epa.gov

From: Molina, Michael <molina.michael@epa.gov>

Sent: Monday, July 13, 2020 3:30 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Cc: Mosley, Ferne <mosley.ferne@epa.gov>

Subject: Re: ETF transactions

Understood. I'll send your previous email to my advisor and ask him to properly identify.

Sent from my iPhone

On Jul 13, 2020, at 2:50 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi Michael,
Please read the message I just sent to you.

You have to report these transactions at some point, and when you do, you have to do so correctly. Either you fix them now or fix them later.

It is NOT an option to disregard reporting them altogether.
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004
for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Molina, Michael
Sent: Monday, July 13, 2020 2:20 PM
To: Mosley, Ferne <mosley.ferne@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: ETF transactions

Re reading your email. Can I “choose” to not report these. If this is really an option. Yes. I choose to not enter them. Let me know which ones they are and I will have my advisor remove them from the list.

MM

Sent from my iPhone

On Jul 13, 2020, at 2:17 PM, Molina, Michael <molina.michael@epa.gov> wrote:

In don't know what this means. I'll ask my advisor.

Sent from my iPhone

On Jul 13, 2020, at 2:16 PM, Mosley, Ferne <mosley.ferne@epa.gov> wrote:

Hi, Michael – I'm reviewing your periodic transaction report. There are several entries which appear to relate to Exchange Traded Funds (ETF) transactions, but only the holding company of the ETF is reported and not the name of the specific ETF that was either bought or sold. So, if you choose to include ETF transactions on your periodic reports, these entries require additional information to include the fund name. I will return the report to you in the system of you want to keep these in a periodic report.

This is also true on some of your entries in your annual report so I have to get that information to you separately to annotate that report as I missed the incomplete fund names before certifying it.

In the alternative, since ETF transactions are not subject to periodic reporting, I can delete all of the incomplete ETF transactions on the 278T, but you will have to report them by name on your next complete report which will be either your next annual report due in May 2021 or a termination report if you depart earlier. So, it's a matter of doing it now or later for your 2020 transactions on this report. One advantage to including them now is that you can import these into your next report, but ETFs and mutual funds are overreported on a periodic transaction report, so they don't have to be reported now, if they are, they have to be complete.

For example, the transactions in question are those relating to

Ex. 6 Personal Privacy (PP)

<image001.png>

<image003.png>

Just let me know how you want to handle this. I will get the specific items on your annual report under a separate email.
Ferne

Ferne L. Mosley, Attorney-Advisor

U.S. Environmental Protection Agency

Ethics Office/Office of General Counsel

William Jefferson Clinton Building North, Room 4113A

1200 Pennsylvania Ave, NW

Washington, DC 20460

(202) 564-8046 (desk)

(202) 306-2998 (mobile)

mosley.ferne@epa.gov

Message

From: Payne, James (Jim) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 1/14/2021 9:52:40 PM
To: Molina, Michael [molina.michael@epa.gov]; Mosley, Ferne [mosley.ferne@epa.gov]
Subject: RE: 278e submitted

Thank you Michael and Ferne.

From: Molina, Michael <molina.michael@epa.gov>
Sent: Thursday, January 14, 2021 4:40 PM
To: Payne, James (Jim) <payne.james@epa.gov>; Mosley, Ferne <mosley.ferne@epa.gov>
Subject: 278e submitted

Good afternoon Jim,

I have submitted my Financial disclosure report.

2 concerns.

I THINK I was able to import all the transactions from 2019 that I did throughout the year. but quite honestly, it took so long every time I tried to "import" each report. I think December made it in, but I just could not find it.

There are always some holdings where I am not sure if they are an EIF – I always default to yes. I apologize if any are inaccurate.

I am in tomorrow and Tuesday if I need to make any correction.

thank you Ferne for your time, patience and assistance this morning on getting started

MM

Michael D. Molina
Deputy Chief of Staff
U.S. Environmental Protection Agency
Molina.Michael@epa.gov
(202) 564-3972
(202) 568-1602 (c)

Message

From: Payne, James (Jim) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 11/5/2020 12:00:49 AM
To: Molina, Michael [molina.michael@epa.gov]
Subject: RE: ethics compliance
Attachments: Equal Employment Opportunity Policy Statement for 2020

Thank you for your email. It is in review.

Would note initially that when an allegation of discrimination or potential discrimination is made, it is a common practice to point to agency tools. Consistent with that practice, here, as to any allegation of discrimination or potential discrimination, I would refer you to the Administrator's attached email of September 30, 2020, as it sets forth agency tools.

From: Molina, Michael <molina.michael@epa.gov>
Sent: Tuesday, November 3, 2020 5:49 PM
To: Payne, James (Jim) <payne.james@epa.gov>
Subject: ethics compliance

Jim

This email is in response to **Ex. 6 Personal Privacy (PP)** As far as what I consider "extreme circumstances," you and I have previously discussed that last year (2019), I was away from the office on official business approximately 80 working days. As you and I have also discussed, I don't believe that the ethics team properly conveyed to me the possibility of such egregious fines for filing late 'monthly' transaction reports. In fact, the first sincere conversation I ever had on the matter was with you earlier this year in February. And, my record of promptly updating my transaction report has been very good since then. Though, there was the one circumstance when I wrongly thought that opening a new report and just 'saving' it for consecutive months was not in fact submitting said report. I now know that I have to open a new report every month and actually submit it upon completion, and have made every effort to complete the subsequent months on time, even coming in on a Saturday to make sure I did not fall out of compliance again.

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP) As you and I discussed earlier this year, I have had many conversations with my appointed contemporaries here at the agency, and none of them have endured the same level of oversight in their financial dealings and only one has shared with me that they were compelled to pay a fine in association with a missed filing of some sort and that fine was considerably less than what **Ex. 6 Personal Privacy (PP)** saying that I owe. I feel that I am being targeted and have been asked to report more than anyone else. If the intent of these filings is to curb any corruption or misbehavior on my or my **Ex. 6 Personal Privacy (PP)** part in the trading of stocks, I would like an analysis of all the trading that has been done (as it has been provided) in the past two years to show that there were any inappropriate transactions made. I believe that paying such an outrageous fine would be an admission that I have done something wrong in this regard, a fact that I believe **Ex. 6 Personal Privacy (PP)** is insinuating, as **Ex. 6 Personal Privacy (PP)** on record accusing me of not taking my ethical obligations seriously - a fact that, as you know based on our conversations, I do.

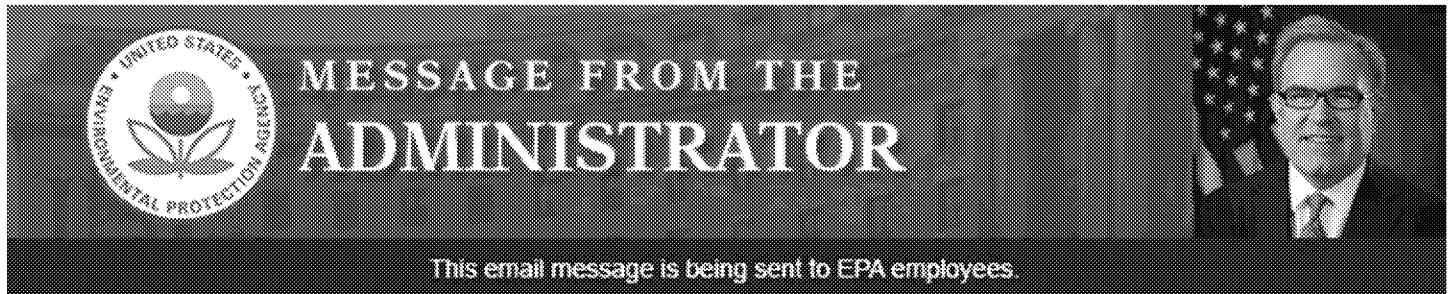
Thank you for your time and consideration. I would be happy to discuss this matter with you later this week.

Michael

Michael D. Molina
Deputy Chief of Staff
U.S. Environmental Protection Agency
Molina.Michael@epa.gov
(202) 564-3972

(202) 568-1602 (c)

From: Message from the Administrator [messagefromtheadadministrator@epa.gov]
Sent: 9/30/2020 9:51:18 PM
To: Message from the Administrator [messagefromtheadadministrator@epa.gov]
Subject: Equal Employment Opportunity Policy Statement for 2020



Dear Colleagues,

The U.S. Environmental Protection Agency is committed to a workplace free of discrimination, and I am proud to reaffirm the Agency's commitment to the principles of equal employment opportunity (EEO) in the workplace. I ask that all EPA employees, including managers and staff, take responsibility for reporting and addressing discriminatory conduct and preventing all types of discrimination, including workplace harassment.

The EPA cannot and will not tolerate discrimination based on race; color; religion; sex, (including pregnancy, sex stereotyping, gender identity, gender expression or transgender status); national origin; sexual orientation; physical or mental disability; age; protected genetic information; status as a parent; marital status; political affiliation; or retaliation based on previous EEO activity. In addition, the EPA will not tolerate any type of harassment - either sexual or nonsexual - of any employee or applicant for employment. Employment decisions must be made in accordance with merit system principles contained in 5 U.S.C. § 2301.

Our EPA management team is expected to continue to provide first-class leadership in supporting the Agency's EEO program by taking steps to promote EEO in all facets of employment, including recruitment, hiring, promotion, performance assessment, awards or career-development opportunities.

This policy statement affirms the commitment to EEO for all EPA employees and applicants for employment. Any employee or applicant for employment who believes that they have been subjected to discrimination and elects to seek redress for discrimination must initiate the EEO complaint process within 45 days of the alleged discriminatory event by contacting the EPA's Office of Civil Rights Employment Complaints Resolution Staff at (202) 564-7272 or an EEO Officer at the regional or laboratory level. See also 29 C.F.R. Part 1614, Federal Sector Equal Employment Opportunity, or EPA Order 1000.31A4, Discrimination on the Basis of Sexual Orientation, Gender Identity, Status as a Parent, Marital Status, or Political Affiliation, as applicable. In addition, an employee or applicant for employment who believes he or she was subjected to workplace harassment should also review EPA Order 4711, Procedure for Addressing Allegations of Workplace Harassment, for information on how to report allegations of workplace harassment outside the EEO process.

To resolve workplace disputes and EEO complaints, the EPA promotes the use of alternative dispute resolution methods. Managers are reminded that their participation in agency-approved Alternative Dispute

Resolution efforts to resolve EEO complaints is required, absent extraordinary circumstances as determined by the Director of the Office of Civil Rights or designee.

A workplace free of discrimination protects EPA employees and allows them to focus on the agency's mission to protect human health and the environment. Therefore, I appreciate your shared commitment to equal employment opportunity at the EPA, and I look forward to working with you to advance the agency's all-important mission.

Andrew Wheeler
Administrator

Message

From: Payne, James (Jim) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 1/19/2021 9:01:26 PM
To: Molina, Michael [molina.michael@epa.gov]
Subject: FW: Final tally of late fees associated with your transaction reporting
Attachments: FW: Notification of late fees in the amount of \$2,400; ethics compliance

Michael,

As briefly mentioned on or about Jan 15, as to the email below concerning the total of \$3200 in calculated late fees for late filing of statutorily-required ethics reports, your attached response of Nov 3, 2020 did not demonstrate "extraordinary cause" for further discounting the late fees beyond the already-discounted amount of \$1067.

I asked the Ethics Office to catalogue their interactions with you concerning your late submittal of ethics reports. My understanding is that they have had scores of interactions with you to remind you about needing to timely file these ethics reports and to assist you in preparing them. My estimate is that they provided you with at least 3-5 times more personal assistance than for any other agency employee, yet the required ethics reports were still late. And my understanding is that on at least several occasions they cautioned you about late fees for late filing. In addition, an Aug 2019 an email went from David Cozad, in his role then as DAEO, to all employees including you to provide notice about imposition of statutory late fees for late filing of these ethics reports. Other agency employees pay these late fees for late ethics reports, including two senior career officials in recent months.

To satisfy your obligation to pay late fees, not later than Jan 27 please mail to me in the EPA Office of General Counsel a check made out to "US Treasury" in the amount of \$1067 and email to me a PDF of the submittal. If this response does not occur by Jan 27, we are prepared to take next steps in collection and to proceed to collect the full, undiscounted amount of \$3200.

Note also that this pending obligation will disrupt certifications needed for employee outboarding, until met.

Jim Payne
Designated Agency Ethics Official (DAEO)
Deputy General Counsel for Environmental Media and Regional Law Offices
202-672-3727 cell

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Monday, September 28, 2020 2:33 PM
To: Molina, Michael <molina.michael@epa.gov>
Cc: Payne, James (Jim) <payne.james@epa.gov>
Subject: Final tally of late fees associated with your transaction reporting

Michael,

First of all, thank you very much for timely filing your last three periodic transaction reports. We have noticed and appreciate your effort! As a public filer, you are obliged to adhere to Ethics in Government Act and the STOCK Act that set forth certain filing requirements and deadlines. OGC/Ethics has reiterated these requirements to you before. Unfortunately, earlier this year, you submitted two periodic transaction reports that included multiple late notifications:

- Submitted 4/15/20 – reported transactions of which more than (or 67%) were tardy

But as you can see from the attached email, I notified you on 5/12/20 about the late notifications in the 4/15/2020 submittal and assessed late fees totaling \$2400. That amount was calculated because you missed at least one transaction in every month of CY 2019, for a late fee of \$200 per month.

OGC/Ethics understands that you contacted Jim Payne, the Designated Agency Ethics Official on this and expressed wanting to come into compliance by addressing a backlog of additional unreported transactions. To that end, we scheduled weekly meetings with you to assist in this effort. Although your subsequent submittal on 6/24/2020 was a step toward coming into compliance, you reported additional transactions untimely:

- Submitted 6/24/20 – reported [] transactions of which more than [] (or 85%) were tardy

As to this 6/24/20 transaction report, I noted four missed months of transactions, for an additional late fee of \$800. We note, however, that you have been complying with transaction reporting since the 6/24/2020 submittal. With respect to the past noncompliance, you are now assessed a total of \$3200 in late fees, as described above.

I have consulted with Jim Payne, who is mindful of the fact that you filed timely reports over the past three months. Jim has authorized us to discount your late fee by two-thirds to a total of **\$1067**. To pay the late fee at this discounted rate, please make out a check payable to the US Treasury in this amount and deliver it to my office, Room 4308 North Clinton building within 21 days. Then please notify me so that I will collect your check and ensure that it is sent to the EPA lockbox and deposited into miscellaneous receipts.

If, however, you wish to request any further waiver of the late fees, then please know that you must do so *in writing to both Jim Payne and me* and demonstrate “extraordinary” circumstances that caused you to file late. Bear in mind the fact that various members of the ethics office have had multiple conversations with you about the filing requirements and that, generally speaking, initial difficulties in navigating INTEGRITY for electronically filing these reports do not qualify as an “extraordinary” circumstance.

Thank you for your prompt attention to this matter,
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Message

From: Molina, Michael [molina.michael@epa.gov]
Sent: 4/15/2020 8:44:13 PM
To: Fugh, Justina [Fugh.Justina@epa.gov]; Payne, James [payne.james@epa.gov]
Subject: RE: REMINDER: Your public financial disclosure report is due 5/15/20!

I hope to finish this one next week.

BUUUUUUUUUUT! I got all the transactions done.

MM

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Tuesday, April 14, 2020 10:17 AM
Subject: REMINDER: Your public financial disclosure report is due 5/15/20!

Hi there,

Well, you may try to hide by not coming into the office anymore but you can't avoid the inevitable: it's time to file your public financial disclosure report. **Your 278 is due May 15, 2020** and, as of today, you have not yet submitted your report in Integrity. You are required to file this report so contact me if you don't understand why you receiving this message.

Even though we're working remotely and balancing home and work life as best we can, this financial disclosure reporting obligation remains the same. The U.S. Office of Government Ethics cannot alter the May 15 due date because it's set by statute. However, you may request an individual extension of your due date. We may grant you an extension of the due date up to 45 days or, for extraordinary circumstances (e.g., extended sick leave), up to 90 days. To request a deadline, write to us prior to May 15 and provide a specific reason (just saying "COVID 19" is not a specific enough; we need to know why YOU can't make the deadline), and tell us whether you need 45 or 90 days. **To request an extension, please send an email to ethics@epa.gov.** You will get an email response from us with our determination.

WHAT HAPPENS IF YOU MISS THE DEADLINE

We will assess a \$200 late filing fee. We reminded all filers last year (see attached pdf) that you must respect the filing deadlines and provide an accurate report.

- **Late fee:** a \$200 late filing fee is imposed by law for any financial disclosure report filed more than 30 days after the due date. A waiver of the late fee will be granted only for extraordinary circumstances. If you need more time, request an extension from ethics@epa.gov *before the deadline*.

DON'T FORGET TO REPORT TRANSACTIONS

- For your annual report, you can upload your periodic transaction reports (OGE 278Ts) that you filed during the year. Also remember to report the purchases, sales or exchanges of any excepted investment funds (over \$1000 per transaction). You can refresh your recollection about transactions filings by reviewing the attached word document.
- Periodic transaction reports (OGE 278-T) – Remember, you must file an OGE 278-T in Integrity to report the purchase, sale, or exchange of stocks, bonds, and other securities over \$1,000 *the earlier of* 30 days of

learning of a transaction but no more than 45 days of the transaction taking place. Again, we can fine you \$200 for any missed transaction filing.

DO YOUR BEST TO REPORT ALL NECESSARY INFORMATION

- Submit a complete and accurate report: When you submit your report, you are certifying that the report is complete and accurate, so make sure that you provide all of the required information. Look, we know this report can be confusing, so contact us before you file if you have questions. Don't just ignore the obligation or the deadline!
- Do not include Personally Identifiable Information (PII): To protect your privacy, we recommend that you do not disclose personally identifiable information such as account numbers, names of your spouse or children, names of your domestic financial institutions, or other PII. We will do our best to redact this information if you inadvertently disclose it on your report, but the best practice is for you to omit disclosing this information.

GET BACK TO US WITHIN 14 DAYS

- Respond timely to our follow-up questions: If someone from OGC/Ethics contacts you for additional information, you must respond within 14 days of the request or show good cause for your delay. If you willfully fail to file a report or fail to provide the necessary information, then please know that there are consequences. You may be referred to the U.S. Attorney General for civil prosecution. I know it seems harsh, but you have a serious responsibility here, and we have a duty to enforce this obligation. Once, I had to refer a former EPA person who, after multiple reminders and entreaties, failed to file her termination 278. In the end, she submitted her form and also paid a civil penalty of \$15,000.

REMINDER ABOUT WHAT "PUBLIC" DISCLOSURE MEANS

- Your report is available to the public upon request: We are required by law to release any OGE 278e or 278-T after 30 days of filing upon the written request by a member of the public. We do not need your prior permission, though we will send you a courtesy email (unless the requestor is a federal investigator). Just so you know, OGC/Ethics is currently processing several requests from media outlets and other organizations to inspect the public reports of Agency filers.

Please contact me or ethics@epa.gov if you have questions. Your OGC/Ethics friends are standing by to help as always!

Stay safe and stay strong!

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 5/12/2020 7:05:38 AM
To: Molina, Michael [molina.michael@epa.gov]
CC: Payne, James [payne.james@epa.gov]
Subject: Notification of late fees in the amount of \$2,400
Attachments: Molina PTR 4-15-20.pdf; Advisory to all 278 filers about filing fee.pdf; When to Report Transactions on the OGE 278T and Part 7 - May 2019.docx

Dear Michael,

On 4/15/20, you filed a Periodic Transaction Report (278-T) that reported on transactions. While some of the transactions involved excepted investment funds, many of them involved stocks, which are required to be reported on a periodic basis. For all of the transactions, you entered "no" in the column entitled "notification received over 30 days ago" meaning that you learned of the transactions within 30 days of their taking place. When you submitted the 278-T to us, you affirmed that you were certifying that "the statements [you] have made in this form are true, complete, correct to the best of [your] knowledge."

In reviewing this report, we found that you did not always provide full information for the names of the excepted investment funds and often appeared to report the same transaction multiple times, which caused us a great deal of confusion. We urge you to be more precise in your future reporting. Moreover, you reported transactions months after they occurred. Your deadline for filing a periodic transaction report is the same as for all other public filers: within 30 days of receiving notification of a covered [meaning reportable] transaction, but not later than 45 days after the date such transaction was executed. See 5 CFR 2634.201(f) and 5 CFR 2634.310(d). Unfortunately, you utterly failed to meet the filing deadline for any of your reportable transactions during the entire year.

Under the STOCK Act, all public filers must file periodic transaction reports in a timely manner. On 8/29/19, David Cozad, the Acting Designated Agency Ethics Official, issued the attached memorandum that reminded you of this obligation and informed you that the penalty for failing to file timely is \$200 per missed report. See 5 U.S.C. app. § 104(d)(1), 5 C.F.R. § 2634.704. Because you missed every single month in calendar year 2019, you now have two options:

- 1) Pay the late fees of \$200 per month, for a total of \$2,400.** Deliver or send a personal check or money order in the amount of \$2,400 made out to the U.S. Treasury to:

Justina Fugh, ADAEO
Mail Code 2311A
US EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460

- 2) Or, request a waiver of the late filing fee.** Pursuant to 5 C.F.R. § 2634.704(b), you may request a waiver of the late fee by writing to ethics@epa.gov to the attention of James Payne, Alternate Designated Agency Ethics Official. In your email, you must explain the *extraordinary circumstances* that caused you to miss the deadline and provide any supporting documentation. Please know that vacation plans and routine work obligations are not typically considered extraordinary circumstances. The DAEO will respond to your request in writing.

Failure to respond to OGC/Ethics within 7 calendar days may lead to debt collection procedures or other remedies, including referring this matter to the Department of Justice for civil prosecution. Please take your filing obligations as seriously as we do.

Thank you,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Timely Filing of Public Financial Disclosure and Periodic Transaction Reports

FROM: David Cozad *David Cozad* 8/29/19
Acting Designated Agency Ethics Official

TO: All EPA Public Financial Disclosure Report Filers

In 1978, Congress enacted the Ethics In Government Act, 5 U.S.C. app., to establish the Executive Branch financial disclosure reporting system that requires mandatory public disclosure of financial and employment information of certain officials and their immediate families. Because you occupy a designated position (either permanently or for more than 60 days on detail), you are required by this statute to file the public financial disclosure report. As executive branch employees, we are all bound by federal ethics laws and regulations, including prohibitions against financial conflicts of interest and loss of impartiality. Your disclosures allow the Office of General Counsel's Ethics Office (OGC/Ethics) to assist you in identifying and addressing potential or actual conflicts of interest in order to maintain the integrity of the Agency's programs and operations.

This memorandum formally reminds you that you are required by law to timely and accurately file your Public Financial Disclosure Reports (OGE 278e)¹ and Periodic Transaction Reports (OGE 278-Ts).² Failure to file timely will result in a **\$200 late filing fee** unless you formally request and receive a waiver of the late fee from the Designated Agency Ethics Official (DAEO) or Alternate Designated Agency Ethics Official (ADAEO).³ Unpaid late fees are subject to the Agency's⁴ and the government's debt collection procedures.

In addition to filing timely, you must also file a complete and accurate report. Should OGC/Ethics contact you for any additional required information, you will have no more than **30 days** to update your report. For guidance on how to file an accurate report, please refer to the Public Financial Disclosure Guide or contact OGC/Ethics at ethics@epa.gov.

¹ See 5 U.S.C. app. § 101; 5 C.F.R. § 2634.201.

² Pub. L. 112-105 § 11 (STOCK Act).

³ See 5 U.S.C. app. § 104(d)(1); 5 C.F.R. § 2634.704(a).

⁴ See Resource Management Directive System 2540-03-P2 dated 07/12/2016.

Please refer to this chart for your filing obligations:

OGE 278e - New Entrant reports	Within 30 days of entering a covered position (either by appointment to a permanent or acting in covered position)
OGE 278e – Incumbent reports	No later than May 15
OGE 278e – Termination reports	No later than 30 days after leaving a covered position (either through reassignment, resignation, or the end of acting in a covered position) (Reports may be submitted within 15 days prior to termination)
OGE 278T – Periodic transaction reports ⁵	The <i>earlier of</i> 30 days after learning of a transaction or 45 days of the transaction taking place.

How to request an extension of the filing deadline:

For good cause (e.g., travel, workload issues, sickness), you may request up to two 45-day extensions. Submit the request by email, including the reason, to ethics@epa.gov **prior to the due date**. Extensions cannot be granted after the due date has passed.

How to request the waiver of a late filing fee:

If *extraordinary circumstances* prevented you from meeting the deadline and OGC/Ethics assessed a late fee, you may request a waiver of the late fee. See 5 C.F.R. § 2634.704. Submit your request in writing to ethics@epa.gov, to the attention of the DAEO and ADAEO, describing the extraordinary circumstances and provide any supporting documentation. Please note that vacations or routine work obligations are not “extraordinary” circumstances. The decision to grant or deny a waiver is at the sole discretion of the DAEO/ADAEO and is final.

You are required by law to comply with these financial reporting obligations. Your colleagues in OGC/Ethics are available to provide assistance, but it is always your obligation to file your reports timely and accurately. In fact, ethics regulations *require* that we refer individuals to the Department of Justice (DOJ) when there is reasonable cause to believe that they have willfully failed to file a required report or provide the information that the report requires. The current maximum civil penalty is \$56,216.⁶

As public servants, we know that you take your ethics obligations seriously. As such, we expect you to make a good faith effort to adhere to the timeliness and completeness requirements of your financial disclosure reporting obligations. If you have any questions, please contact ethics@epa.gov.

ATTACHMENT - *When to Report Transactions on the OGE 278 and OGE 278T*

cc: Justina Fugh, Alternate Designated Agency Ethics Official

⁵ See attached guidance – *When to Report Transactions on the OGE 278 and OGE 278T*.

⁶ In 2012, OGC/Ethics referred an individual to DOJ for failure to file a termination report despite repeated reminders and entreaties. That individual paid a civil penalty of \$15,000 and still had to file the termination report.

When to Report Transactions

DUE DATE: The earlier of the following: 30 Days from Notification or 45 Days from Transaction

	Periodic Transaction Report	Annual and/or Termination Report
Investment Assets	Report on the OGE 278-T?	Report on Part 7 of the OGE 278e?
Transactions of \$1,000 or less		
• Any asset in which the transaction amount is \$1,000 or less regardless of the type of asset or who owns the asset	No	No
Your investment assets (or jointly held)		
• Your stocks	Yes	Yes
• Your bonds (except U.S. Treasury securities)	Yes	Yes
• Your commodity futures	Yes	Yes
• Your other investment securities	Yes	Yes
• Assets listed above in your (joint) brokerage accounts, (joint) managed accounts, IRAs, other retirement accounts, and/or other (joint) investment vehicles	Yes	Yes
Your spouse's investment assets		
• Spouse's stocks	Yes	Yes
• Spouse's bonds (except U.S. Treasury securities)	Yes	Yes
• Spouse's commodity futures	Yes	Yes
• Spouse's other investment securities	Yes	Yes
• Assets listed above in spouse's <u>own</u> brokerage account, managed accounts, IRAs, other retirement accounts, and/or other investment vehicles	Yes	Yes
Your dependent child's investment assets		
• Dependent child's stocks	Yes	Yes
• Dependent child's bonds (except U.S. Treasury securities)	Yes	Yes
• Dependent child's commodity futures	Yes	Yes
• Dependent child's other investment securities	Yes	Yes
• Assets listed above in dependent child's <u>own</u> brokerage account, IRAs, and/or other investment vehicles	Yes	Yes
Other investment assets irrespective of ownership		
• Real Property	No	Yes ¹
• Mutual funds, exchange traded funds, index funds and/or other "excepted investment funds" ²	No	Yes
• Any asset in which the transaction amount is \$1,000 or less	No	No
• Cash accounts (deposits and/or withdrawals)	No	No
• Money market accounts	No	No
• Money market funds	No	No
• Certificates of deposits	No	No
• US Treasury Securities (e.g., T bills, Treasury bonds, U.S. savings bonds)	No	No
• Federal Government Retirement Accounts (e.g., Thrift Savings Plan)	No	No
• Life insurance and annuities	No	No
• Collectibles	No	No
• Assets held within an excepted trust ³	No	No
• Transfer of assets between you, your spouse, and your dependent children	No	No

¹ Do not report the purchase or sale of your personal residence on Part 7 unless you rent it out at any time during the reporting period.

² To be an excepted investment fund (EIF), the asset must be:

- (a) widely held (more than 100 participants),
- (b) independently managed – arranged so that you neither exercise control nor have the ability to exercise control over the financial interests held by the fund, and
- (c) publicly traded (or available) or widely diversified.

Managed accounts, investment clubs, trusts, 529 accounts, brokerage accounts, and individual retirement accounts (IRAs) are not excepted investment funds in and of themselves. It may be that individual assets held within these types of investment vehicles may qualify as EIFs if, for example, your IRA holds a publicly-traded mutual fund. But the fact that you have a managed account does not absolve you of your reporting requirements. That account is legally owned by you, and you're responsible for its assets and reporting transactions. If you have questions, contact ethics@epa.gov.

³ OGC/Ethics must determine that your trust qualifies as an “excepted trust.” For help, email [[HYPERLINK "mailto:ethics@epa.gov"](mailto:ethics@epa.gov)].

Message

From: Molina, Michael [molina.michael@epa.gov]
Sent: 5/12/2020 8:15:30 PM
To: Payne, James [payne.james@epa.gov]
Subject: RE: Notification of late fees in the amount of \$2,400

Hi Jim,

Do you have time tomorrow to discuss this?

thank you

Michael

Michael D. Molina
Deputy Chief of Staff
U.S. Environmental Protection Agency
Molina.Michael@epa.gov
(202) 564-3972
(202) 568-1602 (c)

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Tuesday, May 12, 2020 3:06 AM
To: Molina, Michael <molina.michael@epa.gov>
Cc: Payne, James <payne.james@epa.gov>
Subject: Notification of late fees in the amount of \$2,400

Dear Michael,

On 4/15/20, you filed a Periodic Transaction Report (278-T) that reported on [REDACTED] transactions. While some of the transactions involved excepted investment funds, many of them involved stocks, which are required to be reported on a periodic basis. For all of the transactions, you entered "no" in the column entitled "notification received over 30 days ago" meaning that you learned of the transactions within 30 days of their taking place. When you submitted the 278-T to us, you affirmed that you were certifying that "the statements [you] have made in this form are true, complete, correct to the best of [your] knowledge."

In reviewing this report, we found that you did not always provide full information for the names of the excepted investment funds and often appeared to report the same transaction multiple times, which caused us a great deal of confusion. We urge you to be more precise in your future reporting. Moreover, you reported [REDACTED] transactions months after they occurred. Your deadline for filing a periodic transaction report is the same as for all other public filers: within 30 days of receiving notification of a covered [meaning reportable] transaction, but not later than 45 days after the date such transaction was executed. See 5 CFR 2634.201(f) and 5 CFR 2634.310(d). Unfortunately, you utterly failed to meet the filing deadline for any of your reportable transactions during the entire year.

Under the STOCK Act, all public filers must file periodic transaction reports in a timely manner. On 8/29/19, David Cozad, the Acting Designated Agency Ethics Official, issued the attached memorandum that reminded you of this obligation and informed you that the penalty for failing to file timely is \$200 per missed report. See 5 U.S.C. app. § 104(d)(1), 5 C.F.R. § 2634.704. Because you missed every single month in calendar year 2019, you now have two options:

- 1) **Pay the late fees of \$200 per month, for a total of \$2,400.** Deliver or send a personal check or money order in the amount of \$2,400 made out to the U.S. Treasury to:

Justina Fugh, ADAEO
Mail Code 2311A
US EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460

- 2) **Or, request a waiver of the late filing fee.** Pursuant to 5 C.F.R. § 2634.704(b), you may request a waiver of the late fee by writing to ethics@epa.gov to the attention of James Payne, Alternate Designated Agency Ethics Official. In your email, you must explain the *extraordinary circumstances* that caused you to miss the deadline and provide any supporting documentation. Please know that vacation plans and routine work obligations are not typically considered extraordinary circumstances. The DAEO will respond to your request in writing.

Failure to respond to OGC/Ethics within 7 calendar days may lead to debt collection procedures or other remedies, including referring this matter to the Department of Justice for civil prosecution. Please take your filing obligations as seriously as we do.

Thank you,

Justina

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Message

From: Molina, Michael [molina.michael@epa.gov]
Sent: 6/12/2020 1:54:00 PM
To: Payne, James [payne.james@epa.gov]
CC: Ross, Margaret [Ross.Margaret@epa.gov]
Subject: FW: Integrity.gov: Filing Reminder Assignment

May completed

-----Original Message-----

From: Integrity.gov <notifications@integrity.gov>
Sent: Tuesday, June 9, 2020 4:38 PM
To: Molina, Michael <molina.michael@epa.gov>
Subject: Integrity.gov: Filing Reminder Assignment

REMINDER: Your 2020 Periodic Transaction report is due on 06/11/2020. Failure to file timely subjects you to a \$200 late filing fee. Remember, there's no penalty for filing early (also, filing your report will stop these annoying reminders).

You may access the report by logging into Integrity at

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

If you have any questions about your filing, send a note to ethics@epa.gov.

If you need an extension, send an email to ethics@epa.gov. You need to give a reason (e.g., workload, travel, need to gather materials) and say whether you need 45 or 90 additional days.

For additional guidance about filling out the OGE-278 annual and OGE-278-T periodic financial disclosure form, see:

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww2.oge.gov%2Fweb%2F278eGuide.nsf&data=02%7C01%7Cpayne.james%40epa.gov%7C8e4c7bcc58a14fb6f8d808d80ed80f40%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637275668422609904&sdata=JF2DMwXkrTWB7ekAuroQcraVP1N8q%2FcYHtRXB9PqSg0%3D&reserved=0>

Message

From: Mosley, Ferne [mosley.ferne@epa.gov]
Sent: 6/22/2020 3:33:42 PM
To: Molina, Michael [molina.michael@epa.gov]
CC: Payne, James [payne.james@epa.gov]
Subject: FW: Integrity.gov: Past Due Reminder

Hello Michael, I checked this morning and you started a draft periodic transaction report in the system that has not been submitted. That is why you are getting the past due notification reminder. Please hit the "submit" button for it to move along to us in the system.

FILER	ITEM	TYPE	YEAR	AGE	GROUP	POSITION	STATUS	ASSIGNED TO	PENDING ACTION
Molina, Michael	Periodic Transaction	278-T	2020	0 Days	General 278s	Deputy Chief of Staff		Molina, Michael	Filer

General Information: Molina, Michael

REPORT SUMMARY				
FILER SNAPSHOT				Edit
Filer:	Molina, Michael	Item:	Draft, Pre-Review	
Agency:	Environmental Protection Agency	Report Type:	Periodic Transaction Report	Spouse:
Group:	General 278s	Report Year:	278-T	
Position:	Deputy Chief of Staff		2020	

Ferne L. Mosley, Attorney-Advisor

Ethics Office – Office of General Counsel
U.S. Environmental Protection Agency
William Jefferson Clinton Building – North, Room 4413A
Washington, DC 20460 (for ground deliveries: 20004)
Mail Code 2311A
Desk phone: (202) 564-8046
Cell phone: (202) 306-2998

From: "Molina, Michael" <molina.michael@epa.gov>
Date: June 19, 2020 at 8:34:53 AM EDT
To: "Payne, James" <payne.james@epa.gov>
Subject: Fwd: Integrity.gov: Past Due Reminder

I submitted this last week

Sent from my iPad

Begin forwarded message:

From: "Integrity.gov" <notifications@integrity.gov>
Date: June 18, 2020 at 8:16:18 PM EDT
To: "Molina, Michael" <molina.michael@epa.gov>
Subject: Integrity.gov: Past Due Reminder
Reply-To: "Integrity.gov Notification" <notifications@integrity.gov>

REMINDER: Your 2020 Periodic Transaction report was due on 06/11/2020. According to our records, you did not file your report timely, and it's now too late for any extension. If you submit your report within the next 30 days, we will not assess the late filing fee of \$200. However, if you fail to submit your report at all or after the 30 day grace period, then you will be instructed to pay the late filing fee of \$200. To access the report, go to <https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fintegrity.gov%2F&data=02%7C01%7Cmolina.michael%40epa.gov%7C4907686cce6247df37e908d813e5fba5%7C88b378b367484867acf976aachbeca6a7%7C0%7C0%7C637281225779174800&sdata=GcUly30ZEGkiWFK3wTaf5PPuhQpJ1fmdy4f7bV%2Fa510%3D&reserved=0>. If you have any questions concerning filling out of the report or your obligation, ask us at ethics@epa.gov.

Message

From: Mosley, Ferne [mosley.ferne@epa.gov]
Sent: 6/23/2020 2:57:24 PM
To: Molina, Michael [molina.michael@epa.gov]
CC: Payne, James [payne.james@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]
Subject: RE: Integrity.gov: Past Due Reminder

Hi Michael, there is a certification check box at the bottom left of the transaction page that you must check and then there is a "submit" button in yellow at the bottom of the page that you have to click on – that will then send the report to us with your electronic date stamp for the filing date.

I can't see what you see when I look at the report from my screen because I have a different view as a reviewer, but if you don't see it and know how to "share" your screen using Microsoft Teams, perhaps I can direct you to it. Updating the report just adds more information, but you have to affirmatively certify that that content is true and accurate and hit the submit button for it to be final and reach us for review. A report is due each month that there are transactions.

Sincerely, Ferne

Ferne L. Mosley, Attorney-Advisor

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Washington, DC 20460 (for ground deliveries: 20004)
Mail Code 2311A
Desk phone: (202) 564-8046
Cell phone: (202) 306-2998

From: Molina, Michael <molina.michael@epa.gov>
Sent: Monday, June 22, 2020 7:35 PM
To: Mosley, Ferne <mosley.ferne@epa.gov>
Cc: Payne, James <payne.james@epa.gov>
Subject: Re: Integrity.gov: Past Due Reminder

Maybe we can look at it together. I have been entering every month, I'm not kidding, I don't think I have a submit button. I just click on the update button and it picks up from where I left off last month.

Sent from my iPhone

On Jun 22, 2020, at 5:10 PM, Mosley, Ferne <mosley.ferne@epa.gov> wrote:

Thanks, you made numerous entries dating back to February, but it just appears that you did not "submit" the report so it's still pending as a draft.

Ferne

Ferne L. Mosley, Attorney-Advisor

Ethics Office – Office of General Counsel
U.S. Environmental Protection Agency

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From: Molina, Michael <molina.michael@epa.gov>
Sent: Monday, June 22, 2020 1:45 PM
To: Mosley, Ferne <mosley.ferne@epa.gov>
Cc: Payne, James <payne.james@epa.gov>
Subject: Re: Integrity.gov: Past Due Reminder

Ok - I'll log on first thing Wednesday. For the record, I don't think i did anything different than i did the last two months. My apologies.

MM

Sent from my iPad

On Jun 22, 2020, at 11:33 AM, Mosley, Ferne <mosley.ferne@epa.gov> wrote:

Hello Michael, I checked this morning and you started a draft periodic transaction report in the system that has not been submitted. That is why you are getting the past due notification reminder. Please hit the "submit" button for it to move along to us in the system.

<image006.png>

<image008.png>

Ferne L. Mosley, Attorney-Advisor

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From: "Molina, Michael" <molina.michael@epa.gov>
Date: June 19, 2020 at 8:34:53 AM EDT
To: "Payne, James" <payne.james@epa.gov>
Subject: Fwd: Integrity.gov: Past Due Reminder

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Reminder
Reply-To: "Integrity.gov Notification"
<notifications@integrity.gov>

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06/11/2020. According to our records,
you did not file your report timely, and
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you submit your report within the next
30 days, we will not assess the late filing

fee of \$200. However, if you fail to submit your report at all or after the 30 day grace period, then you will be instructed to pay the late filing fee of \$200. To access the report, go to <https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fintegrity.gov%2F&data=02%7C01%7Cmolina.michael%40epa.gov%7C4907686cce6247df37e908d813e5fba5%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637281225779174800&sdata=GcUly30ZEGkIWFK3wTaF5PPuhQpJ1fmdy4f7bV%2Fa510%3D&reserved=0>. If you have any questions concerning filling out of the report or your obligation, ask us at ethics@epa.gov.

Message

From: Molina, Michael [molina.michael@epa.gov]
Sent: 6/24/2020 12:39:12 PM
To: Mosley, Ferne [mosley.ferne@epa.gov]
CC: Payne, James [payne.james@epa.gov]
Subject: Re: Automatic reply: Integrity.gov: Past Due Reminder

I found it. In checked it and submitted.

Sent from my iPhone

On Jun 24, 2020, at 8:24 AM, Mosley, Ferne <mosley.ferne@epa.gov> wrote:

Hello, I am currently out of the office. For immediate assistance, please email ethics@epa.gov Thank you.

Message

From: Mosley, Ferne [mosley.ferne@epa.gov]
Sent: 6/26/2020 9:23:54 PM
To: Molina, Michael [molina.michael@epa.gov]
CC: Payne, James [payne.james@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]
Subject: RE: Integrity.gov: Past Due Reminder

Hi Michael – sorry I’m just getting back to you about the other question – I checked the “audit trail” on your periodic report, and it only shows the date you submitted the report. It doesn’t show when you started entering the information earlier in the system, but Justina can take that into consideration regarding waiving any of the late fees.

Audit Trail: Molina, Michael

NAME		ROLE		EVENT	
All		All		All	
FROM DATE	FROM TIME	TO DATE	TO TIME		
				Go	Reset

25 records per page

Search:

EXPAND ALL	DATE	NAME	ROLE	EVENT
	Jun 24th 2020, 8:13:42 am	Michael Molina	Filer	Report Signed by Filer

From: Molina, Michael <molina.michael@epa.gov>
Sent: Wednesday, June 24, 2020 11:44 AM
To: Mosley, Ferne <mosley.ferne@epa.gov>
Cc: Payne, James <payne.james@epa.gov>
Subject: Re: Integrity.gov: Past Due Reminder

Absent hitting the “submit” button, is there a way that you, as the big brother in this scenario, can look at my entries and tell when they were entered? When i click update, it picks up from the prior month and so it clearly has an automatic save function. Does that automatic save function leave a date stamp?

Michael.

Sent from my iPhone

On Jun 24, 2020, at 10:56 AM, Mosley, Ferne <mosley.ferne@epa.gov> wrote:

Thank you. Yes, it requires submission in the same manner as the annual report. Unfortunately, it is a program created by a third party so we can’t change the configuration. Glad you were able to make it work. Sincerely, Ferne

Sent from my iPhone

On Jun 24, 2020, at 8:24 AM, Molina, Michael <molina.michael@epa.gov> wrote:

So, I take responsibility for my ineptitude on this.

I did not know that there was a submit button. I thought that when you went into the program and clicked on "update" and it took you back into your report, that it was just updating and submitting them at the same time. Not saying it's the programs fault, but maybe that first screen should have the update option on it. I didn't know that I had to scroll down to the bottom of my list (300 plus entries down) to find the submit button. Or, maybe even have the submit button on the top of the entry page.

Regardless, I found the button in the abyss and have submitted it.

Michael.

Sent from my iPhone

On Jun 22, 2020, at 7:34 PM, Molina, Michael
<molina.michael@epa.gov> wrote:

Maybe we can look at it together. I have been entering every month, I'm not kidding, I don't think I have a submit button. I just click on the update button and it picks up from where I left off last month.

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Thanks, you made numerous entries dating back to February, but it just appears that you did not "submit" the report so it's still pending as a draft.

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Ferne L. Mosley, Attorney-Advisor

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From: Molina, Michael <molina.michael@epa.gov>
Sent: Monday, June 22, 2020 1:45 PM
To: Mosley, Ferne <mosley.ferne@epa.gov>
Cc: Payne, James <payne.james@epa.gov>
Subject: Re: Integrity.gov: Past Due Reminder

Ok - I'll log on first thing Wednesday. For the record, I don't think I did anything different than I did the last two months. My apologies.

MM

Sent from my iPad

On Jun 22, 2020, at 11:33 AM, Mosley, Ferne <mosley.ferne@epa.gov> wrote:

Hello Michael, I checked this morning and you started a draft periodic transaction report in the system that has not been submitted. That is why you are getting the past due notification reminder. Please hit the "submit" button for it to move along to us in the system.

<image006.png>

<image008.png>

***Ferne L. Mosley, Attorney-
Adviser***

Ethics Office – Office of General
Counsel
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North, Room 4413A
Washington, DC 20460 (for ground
deliveries: 20004)
Mail Code 2311A
Desk phone: (202) 564-8046
Cell phone: (202) 306-2998

From:

"Molina

,

Michael

"

<[molin
a.micha
el@epa
.gov](mailto:molina.michael@epa.gov)>

Date:

June
19,
2020 at
8:34:53
AM EDT

To:

"Payne,
James"
<[payne.
james
@epa.g
ov](mailto:payne.james@epa.gov)>

Subject
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Fwd: Integrity.
gov:
Past
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Reminder

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Message

From: Mosley, Ferne [mosley.ferne@epa.gov]
Sent: 8/5/2020 4:50:27 PM
To: Payne, James [payne.james@epa.gov]; Molina, Michael [molina.michael@epa.gov]
CC: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: RE: Ferne, pls reschedule the check in w Michael to tomorrow or Fri.

Thanks, and Michael, you can give your broker rights to enter the information directly, if they don't already do that. I can provide you with the instructions if that's necessary.

Sincerely, Ferne

Ferne L. Mosley, Attorney-Advisor
U.S. Environmental Protection Agency
Ethics Office/Office of General Counsel
William Jefferson Clinton Building North, Room 4113A
1200 Pennsylvania Ave, NW
Washington, DC 20460
(202) 564-8046 (desk)
(202) 306-2998 (mobile)
mosley.ferne@epa.gov

-----Original Message-----

From: Payne, James <payne.james@epa.gov>
Sent: Wednesday, August 5, 2020 12:14 PM
To: Molina, Michael <molina.michael@epa.gov>; Mosley, Ferne <mosley.ferne@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: Ferne, pls reschedule the check in w Michael to tomorrow or Fri.

Michael - I sent a calendar invite for same time for next week, and can adjust it if you wish. In meantime, Ferne's phone is below and she added that if your financial broker or their assistant calls or emails her with the the information, then she can enter it in your report. And if they talked, only a fairly short discussion would be needed. Jim 202-672-3727 cell

Sent from my iPhone

> On Aug 5, 2020, at 11:46 AM, Mosley, Ferne <mosley.ferne@epa.gov> wrote:

>
> OK, Michael, you can call me at your convenience at 202-306-2998.

>
> Thanks.

>
> Ferne

>
> Ferne L. Mosley, Attorney-Advisor
> U.S. Environmental Protection Agency
> Ethics Office/Office of General Counsel William Jefferson Clinton
> Building North, Room 4113A
> 1200 Pennsylvania Ave, NW
> Washington, DC 20460
> (202) 564-8046 (desk)
> (202) 306-2998 (mobile)
> mosley.ferne@epa.gov

>
> -----Original Message-----

> From: Payne, James <payne.james@epa.gov>
> Sent: Wednesday, August 5, 2020 11:35 AM
> To: Mosley, Ferne <mosley.ferne@epa.gov>
> Cc: Molina, Michael <molina.michael@epa.gov>
> Subject: Ferne, pls reschedule the check in w Michael to tomorrow or Fri.

>
> Michael is in/out of the office today and asked for reschedule. Jim
> 202-682-3727 cell

>
> Sent from my iPhone

Message

From: Mosley, Ferne [mosley.ferne@epa.gov]
Sent: 8/11/2020 4:56:28 PM
To: Payne, James [payne.james@epa.gov]; Molina, Michael [molina.michael@epa.gov]
CC: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: RE: Ferne, pls reschedule the check in w Michael to tomorrow or Fri.

Thanks. Have a good afternoon, everyone.

Ferne

Ferne L. Mosley, Attorney-Advisor
U.S. Environmental Protection Agency
Ethics Office/Office of General Counsel
William Jefferson Clinton Building North, Room 4113A
1200 Pennsylvania Ave, NW
Washington, DC 20460
(202) 564-8046 (desk)
(202) 306-2998 (mobile)
mosley.ferne@epa.gov

-----Original Message-----

From: Payne, James <payne.james@epa.gov>
Sent: Tuesday, August 11, 2020 12:47 PM
To: Molina, Michael <molina.michael@epa.gov>; Mosley, Ferne <mosley.ferne@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: Ferne, pls reschedule the check in w Michael to tomorrow or Fri.

Thanks! Cancelled tomorrow.

Sent from my iPhone

> On Aug 11, 2020, at 12:17 PM, Molina, Michael <molina.michael@epa.gov> wrote:

>
> Thank you both. MM

>
> Sent from my iPhone

>
>> On Aug 11, 2020, at 12:11 PM, Mosley, Ferne <mosley.ferne@epa.gov> wrote:

>>
>> Thanks, Michael - I've cleaned up and certified the outstanding periodic transaction reports and uploaded the spreadsheet with additional information to your last annual report. You are all caught up!

>>
>> Thanks for turning your attention to this. Since all outstanding issues regarding the completeness of your reports are now resolved, I don't have a need for us to meet tomorrow, but I will leave it to Jim to cancel since he scheduled the meeting. I'm happy to answer any questions you may have.

>>
>> Safe travels.

>>
>> Sincerely, Ferne

>>
>> Ferne L. Mosley, Attorney-Advisor
>> U.S. Environmental Protection Agency
>> Ethics Office/Office of General Counsel William Jefferson Clinton
>> Building North, Room 4113A
>> 1200 Pennsylvania Ave, NW
>> Washington, DC 20460
>> (202) 564-8046 (desk)
>> (202) 306-2998 (mobile)
>> mosley.ferne@epa.gov

>>
>>
>> -----Original Message-----

>> From: Molina, Michael <molina.michael@epa.gov>
>> Sent: Monday, August 10, 2020 6:20 PM
>> To: Mosley, Ferne <mosley.ferne@epa.gov>
>> Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Payne, James
>> <payne.james@epa.gov>
>> Subject: RE: Ferne, pls reschedule the check in w Michael to tomorrow or Fri.

>>
>> Fern,

>>
>> I removed everything that I easily identified as a [Ex.6 Personal Privacy (PP)] If I missed something less obvious, can you note it in an email and I can remove them Friday.
>>
>> thank you so much for your assistance.
>>
>> I'll be on travel with the administrator the next couple days but will have my cell, in case you need me.
>>
>> Michael
>>
>> -----Original Message-----
>> From: Mosley, Ferne <mosley.ferne@epa.gov>
>> Sent: Thursday, August 6, 2020 3:29 PM
>> To: Molina, Michael <molina.michael@epa.gov>
>> Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Payne, James
>> <payne.james@epa.gov>
>> Subject: RE: Ferne, pls reschedule the check in w Michael to tomorrow or Fri.
>>
>> Thanks for the update.
>>
>> Have a good weekend.
>> Ferne
>>
>> Ferne L. Mosley, Attorney-Advisor
>> U.S. Environmental Protection Agency
>> Ethics Office/Office of General Counsel William Jefferson Clinton
>> Building North, Room 4113A
>> 1200 Pennsylvania Ave, NW
>> Washington, DC 20460
>> (202) 564-8046 (desk)
>> (202) 306-2998 (mobile)
>> mosley.ferne@epa.gov
>>
>>
>> -----Original Message-----
>> From: Molina, Michael <molina.michael@epa.gov>
>> Sent: Thursday, August 6, 2020 2:42 PM
>> To: Payne, James <payne.james@epa.gov>; Mosley, Ferne
>> <mosley.ferne@epa.gov>
>> Cc: Fugh, Justina <Fugh.Justina@epa.gov>
>> Subject: RE: Ferne, pls reschedule the check in w Michael to tomorrow or Fri.
>>
>> Jim/Ferne
>>
>> I am very sorry, but I am not going to be able to get all the changes made to the report today as I had expected. I just spoke with my advisor and there was a glitch in what items had to be renamed or clarified or re-described. I told her that I HAD to have them in my the time I leave the office this Monday. I expect to have the list this weekend.
>>
>> Michael
>>
>> -----Original Message-----
>> From: Payne, James <payne.james@epa.gov>
>> Sent: Wednesday, August 5, 2020 12:14 PM
>> To: Molina, Michael <molina.michael@epa.gov>; Mosley, Ferne
>> <mosley.ferne@epa.gov>
>> Cc: Fugh, Justina <Fugh.Justina@epa.gov>
>> Subject: Re: Ferne, pls reschedule the check in w Michael to tomorrow or Fri.
>>
>> Michael - I sent a calendar invite for same time for next week, and
>> can adjust it if you wish. In meantime, Ferne's phone is below and
>> she added that if your financial broker or their assistant calls or
>> emails her with the the information, then she can enter it in your
>> report. And if they talked, only a fairly short discussion would be
>> needed. Jim 202-672-3727 cell
>>
>>
>>
>> Sent from my iPhone
>>
>>>> On Aug 5, 2020, at 11:46 AM, Mosley, Ferne <mosley.ferne@epa.gov> wrote:
>>>>
>>>> OK, Michael, you can call me at your convenience at 202-306-2998.
>>>>
>>>> Thanks.
>>>>
>>>> Ferne

>>>
>>> Ferne L. Mosley, Attorney-Advisor
>>> U.S. Environmental Protection Agency Ethics Office/Office of General
>>> Counsel William Jefferson Clinton Building North, Room 4113A
>>> 1200 Pennsylvania Ave, NW
>>> Washington, DC 20460
>>> (202) 564-8046 (desk)
>>> (202) 306-2998 (mobile)
>>> mosley.ferne@epa.gov
>>>
>>>
>>> -----Original Message-----
>>> From: Payne, James <payne.james@epa.gov>
>>> Sent: Wednesday, August 5, 2020 11:35 AM
>>> To: Mosley, Ferne <mosley.ferne@epa.gov>
>>> Cc: Molina, Michael <molina.michael@epa.gov>
>>> Subject: Ferne, pls reschedule the check in w Michael to tomorrow or Fri.
>>>
>>> Michael is in/out of the office today and asked for reschedule. Jim
>>> 202-682-3727 cell
>>>
>>> Sent from my iPhone

Message

From: Mosley, Ferne [mosley.ferne@epa.gov]
Sent: 9/14/2020 1:37:34 PM
To: Molina, Michael [molina.michael@epa.gov]
CC: Payne, James [payne.james@epa.gov]
Subject: RE: August report

Thanks, we will review and get back to you if there are any completeness or other issues.

Ferne

Ferne L. Mosley, Attorney-Advisor
U.S. Environmental Protection Agency
Ethics Office/Office of General Counsel
William Jefferson Clinton Building North, Room 4113A
1200 Pennsylvania Ave, NW
Washington, DC 20460
(202) 564-8046 (desk)
(202) 306-2998 (mobile)
mosley.ferne@epa.gov

From: Molina, Michael <molina.michael@epa.gov>
Sent: Saturday, September 12, 2020 10:51 AM
To: Payne, James <payne.james@epa.gov>; Mosley, Ferne <mosley.ferne@epa.gov>
Subject: August report

completed.

MM

Michael D. Molina
Deputy Chief of Staff
U.S. Environmental Protection Agency
Molina.Michael@epa.gov
(202) 564-3972
(202) 568-1602 (c)

Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 9/28/2020 6:32:56 PM
To: Molina, Michael [molina.michael@epa.gov]
CC: Payne, James (Jim) [payne.james@epa.gov]
Subject: Final tally of late fees associated with your transaction reporting
Attachments: FW: Notification of late fees in the amount of \$2,400

Michael,

First of all, thank you very much for timely filing your last three periodic transaction reports. We have noticed and appreciate your effort! As a public filer, you are obliged to adhere to Ethics in Government Act and the STOCK Act that set forth certain filing requirements and deadlines. OGC/Ethics has reiterated these requirements to you before. Unfortunately, earlier this year, you submitted two periodic transaction reports that included multiple late notifications:

- Submitted 4/15/20 – reported transactions of which more than (or 67%) were tardy

But as you can see from the attached email, I notified you on 5/12/20 about the late notifications in the 4/15/2020 submittal and assessed late fees totaling \$2400. That amount was calculated because you missed at least one transaction in every month of CY 2019, for a late fee of \$200 per month.

OGC/Ethics understands that you contacted Jim Payne, the Designated Agency Ethics Official on this and expressed wanting to come into compliance by addressing a backlog of additional unreported transactions. To that end, we scheduled weekly meetings with you to assist in this effort. Although your subsequent submittal on 6/24/2020 was a step toward coming into compliance, you reported additional transactions untimely:

- Submitted 6/24/20 – reported transactions of which more than (or 85%) were tardy

As to this 6/24/20 transaction report, I noted four missed months of transactions, for an additional late fee of \$800. We note, however, that you have been complying with transaction reporting since the 6/24/2020 submittal. With respect to the past noncompliance, you are now assessed a total of \$3200 in late fees, as described above.

I have consulted with Jim Payne, who is mindful of the fact that you filed timely reports over the past three months. Jim has authorized us to discount your late fee by two-thirds to a total of **\$1067**. To pay the late fee at this discounted rate, please make out a check payable to the US Treasury in this amount and deliver it to my office, Room 4308 North Clinton building within 21 days. Then please notify me so that I will collect your check and ensure that it is sent to the EPA lockbox and deposited into miscellaneous receipts.

If, however, you wish to request any further waiver of the late fees, then please know that you must do so *in writing to both Jim Payne and me* and demonstrate “extraordinary” circumstances that caused you to file late. Bear in mind the fact that various members of the ethics office have had multiple conversations with you about the filing requirements and that, generally speaking, initial difficulties in navigating INTEGRITY for electronically filing these reports do not qualify as an “extraordinary” circumstance.

Thank you for your prompt attention to this matter,
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 10/15/2020 8:32:50 PM
To: Molina, Michael [molina.michael@epa.gov]
CC: Payne, James (Jim) [payne.james@epa.gov]
Subject: REMINDER: Final tally of late fees associated with your transaction reporting
Attachments: FW: Notification of late fees in the amount of \$2,400

Hi Michael,

Thanks for turning in your most recent transaction report (submitted 10/5/20 and certified on 10/7/20). I'm writing to remind you about the outstanding late fees and our request that you provide a check in the discounted amount within 21 days, which is this coming Monday, October 19. I will make arrangements to go to the office in the afternoon of Tuesday, October 20 to collect your check.

Thank you very much,
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Fugh, Justina
Sent: Monday, September 28, 2020 2:33 PM
To: Molina, Michael <molina.michael@epa.gov>
Cc: Payne, James (Jim) <payne.james@epa.gov>
Subject: Final tally of late fees associated with your transaction reporting

Michael,

First of all, thank you very much for timely filing your last three periodic transaction reports. We have noticed and appreciate your effort! As a public filer, you are obliged to adhere to Ethics in Government Act and the STOCK Act that set forth certain filing requirements and deadlines. OGC/Ethics has reiterated these requirements to you before. Unfortunately, earlier this year, you submitted two periodic transaction reports that included multiple late notifications:

- Submitted 4/15/20 – reported transactions of which more than (or 67%) were tardy

But as you can see from the attached email, I notified you on 5/12/20 about the late notifications in the 4/15/2020 submittal and assessed late fees totaling \$2400. That amount was calculated because you missed at least one transaction in every month of CY 2019, for a late fee of \$200 per month.

OGC/Ethics understands that you contacted Jim Payne, the Designated Agency Ethics Official on this and expressed wanting to come into compliance by addressing a backlog of additional unreported transactions. To that end, we scheduled weekly meetings with you to assist in this effort. Although your subsequent submittal on 6/24/2020 was a step toward coming into compliance, you reported additional transactions untimely:

- Submitted 6/24/20 – reported transactions of which more than (or 85%) were tardy

As to this 6/24/20 transaction report, I noted four missed months of transactions, for an additional late fee of \$800. We note, however, that you have been complying with transaction reporting since the 6/24/2020 submittal. With respect to the past noncompliance, you are now assessed a total of \$3200 in late fees, as described above.

I have consulted with Jim Payne, who is mindful of the fact that you filed timely reports over the past three months. Jim has authorized us to discount your late fee by two-thirds to a total of **\$1067**. To pay the late fee at this discounted rate, please make out a check payable to the US Treasury in this amount and deliver it to my office, Room 4308 North Clinton building within 21 days. Then please notify me so that I will collect your check and ensure that it is sent to the EPA lockbox and deposited into miscellaneous receipts.

If, however, you wish to request any further waiver of the late fees, then please know that you must do so *in writing to both Jim Payne and me* and demonstrate “extraordinary” circumstances that caused you to file late. Bear in mind the fact that various members of the ethics office have had multiple conversations with you about the filing requirements and that, generally speaking, initial difficulties in navigating INTEGRITY for electronically filing these reports do not qualify as an “extraordinary” circumstance.

Thank you for your prompt attention to this matter,
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 10/21/2020 2:57:28 PM
To: Molina, Michael [molina.michael@epa.gov]
CC: Payne, James (Jim) [payne.james@epa.gov]
Subject: Late fee
Attachments: FW: Notification of late fees in the amount of \$2,400

Michael,

I regret to inform you that I did not receive a written request for a waiver of the late fee nor a check for the discounted late fee. Having heard nothing from you, I am forced to assume that you understand that you are obliged to pay the full amount, which is \$3200. We have never before had an employee refuse to pay the late fee, so I will have to inquire about how to commence garnishment proceedings.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Fugh, Justina
Sent: Thursday, October 15, 2020 4:33 PM
To: Molina, Michael <molina.michael@epa.gov>
Cc: Payne, James (Jim) <payne.james@epa.gov>
Subject: REMINDER: Final tally of late fees associated with your transaction reporting

Hi Michael,

Thanks for turning in your most recent transaction report (submitted 10/5/20 and certified on 10/7/20). I'm writing to remind you about the outstanding late fees and our request that you provide a check in the discounted amount within 21 days, which is this coming Monday, October 19. I will make arrangements to go to the office in the afternoon of Tuesday, October 20 to collect your check.

Thank you very much,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Fugh, Justina
Sent: Monday, September 28, 2020 2:33 PM
To: Molina, Michael <molina.michael@epa.gov>
Cc: Payne, James (Jim) <payne.james@epa.gov>
Subject: Final tally of late fees associated with your transaction reporting

Michael,

First of all, thank you very much for timely filing your last three periodic transaction reports. We have noticed and appreciate your effort! As a public filer, you are obliged to adhere to Ethics in Government Act and the STOCK Act that set forth certain filing requirements and deadlines. OGC/Ethics has reiterated these requirements to you before. Unfortunately, earlier this year, you submitted two periodic transaction reports that included multiple late notifications:

- Submitted 4/15/20 – reported transactions of which more than (or 67%) were tardy

But as you can see from the attached email, I notified you on 5/12/20 about the late notifications in the 4/15/2020 submittal and assessed late fees totaling \$2400. That amount was calculated because you missed at least one transaction in every month of CY 2019, for a late fee of \$200 per month.

OGC/Ethics understands that you contacted Jim Payne, the Designated Agency Ethics Official on this and expressed wanting to come into compliance by addressing a backlog of additional unreported transactions. To that end, we scheduled weekly meetings with you to assist in this effort. Although your subsequent submittal on 6/24/2020 was a step toward coming into compliance, you reported additional transactions untimely:

- Submitted 6/24/20 – reported transactions of which more than (or 85%) were tardy

As to this 6/24/20 transaction report, I noted four missed months of transactions, for an additional late fee of \$800. We note, however, that you have been complying with transaction reporting since the 6/24/2020 submittal. With respect to the past noncompliance, you are now assessed a total of \$3200 in late fees, as described above.

I have consulted with Jim Payne, who is mindful of the fact that you filed timely reports over the past three months. Jim has authorized us to discount your late fee by two-thirds to a total of **\$1067**. To pay the late fee at this discounted rate, please make out a check payable to the US Treasury in this amount and deliver it to my office, Room 4308 North Clinton building within 21 days. Then please notify me so that I will collect your check and ensure that it is sent to the EPA lockbox and deposited into miscellaneous receipts.

If, however, you wish to request any further waiver of the late fees, then please know that you must do so *in writing to both Jim Payne and me* and demonstrate “extraordinary” circumstances that caused you to file late. Bear in mind the fact that various members of the ethics office have had multiple conversations with you about the filing requirements and that, generally speaking, initial difficulties in navigating INTEGRITY for electronically filing these reports do not qualify as an “extraordinary” circumstance.

Thank you for your prompt attention to this matter,
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Message

From: Mosley, Ferne [mosley.ferne@epa.gov]
Sent: 11/12/2020 6:50:29 PM
To: Molina, Michael [molina.michael@epa.gov]
CC: Payne, James (Jim) [payne.james@epa.gov]
Subject: RE: October submitted

Good afternoon, Michael -- everything looked good so I've certified your latest transaction report.

Thanks, Ferne

Ferne L. Mosley, Attorney-Advisor
U.S. Environmental Protection Agency
Ethics Office/Office of General Counsel
William Jefferson Clinton Building North, Room 4113A
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Washington, DC 20460
(202) 564-8046 (desk)
(202) 306-2998 (mobile)
mosley.ferne@epa.gov

From: Mosley, Ferne
Sent: Tuesday, November 10, 2020 3:02 PM
To: Molina, Michael <molina.michael@epa.gov>
Cc: Payne, James (Jim) <payne.james@epa.gov>
Subject: RE: October submitted

Thanks, Michael. I see it in the system and I will let you know if I have any questions.
Ferne

Ferne L. Mosley, Attorney-Advisor
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Ethics Office/Office of General Counsel
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(202) 564-8046 (desk)
(202) 306-2998 (mobile)
mosley.ferne@epa.gov

From: Molina, Michael <molina.michael@epa.gov>
Sent: Tuesday, November 10, 2020 2:26 PM
To: Mosley, Ferne <mosley.ferne@epa.gov>
Cc: Payne, James (Jim) <payne.james@epa.gov>
Subject: October submitted

thanks...MM

Michael D. Molina

Deputy Chief of Staff
U.S. Environmental Protection Agency
Molina.Michael@epa.gov
(202) 564-3972
(202) 568-1602 (c)

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 11/22/2020 4:33:01 AM
To: Adams, Elizabeth [Adams.Elizabeth@epa.gov]; Ankley, Gerald [Ankley.Gerald@epa.gov]; Ashbee, Blake [ashbee.blake@epa.gov]; Badalamente, Mark [Badalamente.Mark@epa.gov]; Bailey, KevinJ [Bailey.KevinJ@epa.gov]; Barnett, Henry [Barnett.Henry@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Behl, Betsy [Behl.Betsy@epa.gov]; Benforado, Jay [Benforado.Jay@epa.gov]; Benjamin-Sirmons, Denise [Benjamin-Sirmons.Denise@epa.gov]; Best-Wong, Benita [Best-Wong.Benita@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Blancato, Jerry [Blancato.Jerry@epa.gov]; Bloom, David [Bloom.David@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Bolen, Derrick [bolen.derrick@epa.gov]; Bonanno, Gale [Bonanno.Gale@epa.gov]; Breen, Barry [Breen.Barry@epa.gov]; Brincks, Mike [brincks.mike@epa.gov]; Buckley, Timothy [Buckley.Timothy@epa.gov]; Bunker, Byron [bunker.byron@epa.gov]; Canavan, Sheila [Canavan.Sheila@epa.gov]; Canzler, Erica [Canzler.Erica@epa.gov]; Caro, Vique [Caro.Vique@epa.gov]; Carpenter, Wesley [Carpenter.Wesley@epa.gov]; Charmley, William [charmley.william@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Chu, Ed [Chu.Ed@epa.gov]; Clark, Becki [Clark.Beki@epa.gov]; Dalbey, Matthew [Dalbey.Matthew@epa.gov]; Darwin, Henry [darwin.henry@epa.gov]; DeLeon, Rafael [Deleon.Rafael@epa.gov]; Diaz-Sanchez, David [Diaz-Sanchez.David@epa.gov]; Dipolt, Kelly [Dipolt.Kelly@epa.gov]; Doa, Maria [Doa.Maria@epa.gov]; Dombrowski, John [Dombrowski.John@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Evangelista, Pat [Evangelista.Pat@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]; Garland, Jay [Garland.Jay@epa.gov]; Gillespie, Andrew [Gillespie.Andrew@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Gray, David [gray.david@epa.gov]; Gray, Linda [gray.linda@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Guilaran, Yu-Ting [Guilaran.Yu-Ting@epa.gov]; Gutierrez, Sally [Gutierrez.Sally@epa.gov]; Hamlin, Tim [Hamlin.Tim@epa.gov]; Harlow, David [harlow.david@epa.gov]; Helm, Arron [Helm.Arron@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Hisel-McCoy, Sara [Hisel-McCoy.Sara@epa.gov]; Hoskinson, Carolyn [Hoskinson.Carolyn@epa.gov]; Hubbell, Bryan [Hubbell.Bryan@epa.gov]; Humphrey, Leslie [Humphrey.Leslie@epa.gov]; Iglesias, Ariel [Iglesias.Ariel@epa.gov]; Jackson, Yvette [Jackson.Yvette@epa.gov]; Jones, Samantha [Jones.Samantha@epa.gov]; Jordan, Deborah [Jordan.Deborah@epa.gov]; Judson, Richard [Judson.Richard@epa.gov]; Kopec, Slawomir [kopec.slawomir@epa.gov]; Kowalski, Edward [Kowalski.Edward@epa.gov]; Legare, Pamela [Legare.Pamela@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Lowery, Brigid [Lowery.Brigid@epa.gov]; Lowit, Anna [Lowit.Anna@epa.gov]; Manzanilla, Enrique [Manzanilla.Enrique@epa.gov]; Mathur, Rohit [Mathur.Rohit@epa.gov]; Matuszko, Jan [Matuszko.Jan@epa.gov]; McDonald, James [McDonald.James@epa.gov]; McDonough, Owen [mcdonough.owen@epa.gov]; McGartland, Al [McGartland.Al@epa.gov]; McLain, Jennifer L. [McLain.Jennifer@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Miller, Amy [Miller.Amy@epa.gov]; Miller, Wynne [Miller.Wynne@epa.gov]; Mitchell, Ken [Mitchell.Ken@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Mosby, Jackie [Mosby.Jackie@epa.gov]; Munns, Wayne [Munns.Wayne@epa.gov]; Munoz, Charles [munoz.charles@epa.gov]; Myrick, Pamela [Myrick.Pamela@epa.gov]; Nam, Ed [nam.ed@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Nguyen, Duch [Nguyen.Duch@epa.gov]; Nishida, Jane [Nishida.Jane@epa.gov]; Noga, Vaughn [Noga.Vaughn@EPA.GOV]; O'Connor, Darcy [oconnor.darcy@epa.gov]; Palmer, Leif [Palmer.Leif@epa.gov]; Patrick, Kimberly [Patrick.Kimberly@epa.gov]; Payne, James (Jim) [payne.james@epa.gov]; Pease, Anita [Pease.Anita@epa.gov]; Peterson, Mary [Peterson.Mary@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; Regli, Stig [Regli.Stig@epa.gov]; Robbins, Chris [Robbins.Chris@epa.gov]; Robertson, Lakeshia [robertson.lakeshia@epa.gov]; Robichaud, Jeffery [Robichaud.Jeffery@epa.gov]; Rogers, John M. [Rogers.John@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Ruvo, Richard [Ruvo.Richard@epa.gov]; Sawyers, Andrew [Sawyers.Andrew@epa.gov]; Sayles, Gregory [Sayles.Gregory@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]; Schmidt, Lorie [Schmidt.Lorie@epa.gov]; Scott, Jeff [Scott.Jeff@epa.gov]; Seager, Cheryl [Seager.Cheryl@epa.gov]; Segall, Martha [Segall.Martha@epa.gov]; Shah, Imran [Shah.Imran@epa.gov]; Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]; Simon, Nigel [Simon.Nigel@epa.gov]; Singh, Amar V. [singh.amar@epa.gov]; Smith, Charles [Smith.Charles@epa.gov]; Smith, Suzanne [Smith.Suzanne@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Stanich, Ted [Stanich.Ted@epa.gov]; Stein, Raffael [Stein.Raffael@epa.gov]; Sullivan, Greg [Sullivan.Greg@epa.gov]; Symmes, Brian [Symmes.Brian@epa.gov]; Tapia, Cecilia [Tapia.Cecilia@epa.gov]; Taylor, Jessica [taylor.jessica@epa.gov]; Thiede, Kurt [thiede.kurt@epa.gov]; Thomas, Russell [Thomas.Russell@epa.gov]; Thompkins, Anita [Thompkins.Anita@epa.gov]; Updike, David [Updike.David@epa.gov]; Viswanathan, Krishna

[Viswanathan.Krishna@epa.gov]; Vogel, Dana [Vogel.Dana@epa.gov]; Walker, Mary [walker.mary@epa.gov]; Wall, Tom [Wall.Tom@epa.gov]; Walsh, Ed [Walsh.Ed@epa.gov]; Watkins, Tim [Watkins.Tim@epa.gov]; Widawsky, David [Widawsky.David@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]; Wilson, Eric [Wilson.EricI@epa.gov]; Wood, Anna [Wood.Anna@epa.gov]; Wood, Robert [Wood.Robert@epa.gov]; Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]; Yusuf, Istanbul [Yusuf.Istanbul@epa.gov]; Zartarian, Valerie [Zartarian.Valerie@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Hage, Christopher [hage.christopher@epa.gov]; Hanson, Paige (Catherine) [hanson.catherine@epa.gov]; Mitchell, Judy-Ann [Mitchell.Judy-Ann@epa.gov]; McIntosh, Chad [mcintosh.chad@epa.gov]; Zimmer, Nathaniel [zimmer.nathaniel@epa.gov]; Terwilleger, Brock [terwilleger.brock@epa.gov]; Donahue, Sean [donahue.sean@epa.gov]; White, Elizabeth [white.elizabeth@epa.gov]; Guiseppi-Elie, Annette [Guiseppi-Elie.Annette@epa.gov]; Johnson, Taylor [Johnson.Taylor.C@epa.gov]; Dankert, Charles M. (Charlie) [Dankert.Charles@epa.gov]; Mutz, John (Fletcher) [mutz.john@epa.gov]; Liebau, Joseph [Liebau.Joseph@epa.gov]

Subject: REMINDER: Please take the 2020 Annual Ethics Training by 12/31/20

Hi there,

According to our records, you are in a position (acting or permanent) that requires you to file the public financial disclosure report. That being the case, you are required by law to take ethics training this year. The due date for completing the training is December 31 (really. We can't grant any extensions because the deadline is set by regulation). Already, 269 of our public filers have completed the training, leaving just about 160 who are cheerfully procrastinating. You know who you are! So do we, and that's why you are getting this reminder.

Do I really have to take the training?

Yes, you must have ethics training this year. Come on, admit it ... the ethics training is not awful and even kind of interesting.

Okay, so how do I get to the training?

Use the link below to access the training (it's not automatically assigned to you in FedTalent). This year's course focuses on Outside Activities and Employment.

CLICK HERE TO ACCESS THE TRAINING:

<https://epafedtalent.ibc.doi.gov/mod/scorm/view.php?id=13991>

Use your LAN ID and PASSWORD or PIV card to log in to FedTalent. If you have questions about the training, please visit the [Ethics SharePoint Training page](#). If you experience problems, call the FedTalent help desk: Phone: 1-888-367-1622 option 3,6 (M-F 6:00am-5:30pm MDT) or Email: HRMS_Helpdesk@ios.doi.gov

Don't forget: take ethics training by December 31!

Thanks very much for your attention! Stay safe and ethical!

justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Message

From: Mosley, Ferne [mosley.ferne@epa.gov]
Sent: 12/9/2020 4:58:35 PM
To: Molina, Michael [molina.michael@epa.gov]; Payne, James (Jim) [payne.james@epa.gov]
Subject: RE: November Transaction Report

Thanks, Michael. If you submit the termination report in January as you depart, you will be within the grace period for reporting any December transactions, so you can just add the December and any January transactions to the termination report.

Sincerely, Ferne

Ferne L. Mosley, Attorney-Advisor
U.S. Environmental Protection Agency
Ethics Office/Office of General Counsel
William Jefferson Clinton Building North, Room 4113A
1200 Pennsylvania Ave, NW
Washington, DC 20460
(202) 564-8046 (desk)
(202) 306-2998 (mobile)
mosley.ferne@epa.gov

From: Molina, Michael <molina.michael@epa.gov>
Sent: Wednesday, December 9, 2020 11:48 AM
To: Payne, James (Jim) <payne.james@epa.gov>; Mosley, Ferne <mosley.ferne@epa.gov>
Subject: November Transaction Report

Hi Jim and Fern.

I just submitted my November report. It is the shortest one ever!

Fern, I don't want to take any time during your holiday time, but I would like to talk to you about my close out report that has to be submitted when I leave. one simple question, do I need to do a December report? and then do a 2020 report? and then do a goodbye report?

thank you,

MM

Michael D. Molina
Deputy Chief of Staff
U.S. Environmental Protection Agency
Molina.Michael@epa.gov
(202) 564-3972
(202) 568-1602 (c)

Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 1/6/2021 1:33:14 AM
To: Landeene, Sarah [Landeene.Sarah@epa.gov]; Lane, Holly [Lane.Holly@epa.gov]; Leo, Diana [Leo.Diana@epa.gov]; Mason, Scott [Mason.Scott@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Mckendry, John [Mckendry.John@epa.gov]; Meadowcroft, Micah [Meadowcroft.Micah@epa.gov]; Mejias, Melissa [mejias.melissa@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Munoz, Charles [munoz.charles@epa.gov]; Mutz, John (Fletcher) [mutz.john@epa.gov]; Pic, Jordan [pic.jordan@epa.gov]; Rasmussen, Russell [rasmussen.russell@epa.gov]; Sethuraman, Jag [Sethuraman.Jag@epa.gov]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]; Charlotte.T.Skidmore@ceq.eop.gov; Striegel, Megan [Striegel.Megan@epa.gov]; Struhar, Kirby [struhar.kirby@epa.gov]; Tardif, Abigale (Abbie) [Tardif.Abigale@epa.gov]; Tatum, Stephen [Tatum.Stephen@epa.gov]; Teresa, Tyler [Teresa.Tyler@epa.gov]; Terwilleger, Brock [terwilleger.brock@epa.gov]; Tran, Victoria [tran.victoria@epa.gov]; Voyles, Travis [Voyles.Travis@epa.gov]; Washam, Todd [Washam.Todd@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]; Yarbrough, John (Daniel) [Yarbrough.Daniel@epa.gov]; Zeckman, David [zeckman.david@epa.gov]; Zimmer, Nathaniel [zimmer.nathaniel@epa.gov]
CC: Payne, James (Jim) [payne.james@epa.gov]
Subject: RE: Reminder about your ethics obligations: financial disclosure and more!
Attachments: Departing EPA for Schedule C Appointees updated Nov 2020.pdf; Negotiation Notification Form for digital signature.pdf

Hi there,

On behalf of the Designated Agency Ethics Official, Jim Payne, and OGC/Ethics, I am writing to remind all Schedule C appointees that we are here to explain your ethics obligations while you are still employed at EPA and also after you depart. The Transition Guide you received outlines your basic ethics obligations but we also prepared an in-depth summary of the rules for your type of appointment (see attached).

If you are looking for another job while still employed at EPA, then you are subject to the *seeking and negotiating for employment* rules. Then, after you leave, you will be subject to the criminal post-employment rules as well as obligations under the Trump Ethics Pledge. **We strongly encourage you to make an appointment with one of us in OGC/Ethics prior to your departure so that you understand your ethics obligations and restrictions.** To set up a one-on-one appointment, send an email to me directly or to ethics@epa.gov.

For your convenience, the Ethics Office will be hosting general sessions to review the seeking and post-employment rules for employees who are leaving federal service. Feel free to drop in and ask questions, or schedule a one-on-one with us by emailing ethics@epa.gov.

GENERAL ETHICS OFFBOARDING SESSION	LINK TO SESSION
Wednesday, January 6 at 2 pm eastern	Click here to join the meeting
Wednesday, January 13 at 2 pm eastern	Click here to join the meeting

Here are the important ethics reminders for you to know:

- You must disqualify yourself from participating in EPA matters affecting the financial interests of a potential employer when you begin to seek employment;
- You must complete the *Notification of Employment Negotiation Form* (attached) within 3 business days of engaging in an employment negotiation with a non-federal entity;
- We assigned you a termination financial disclosure report (OGE Form 278) using your EPA email address as your user ID. The report is due on 2/19/21, which is 30 days after your departure date, but you may file it now using

your PIV card. If you are going to file the report after you leave EPA, then you need to provide me with a personal email address so that I can change your user ID. And if you want an extension of time to file, you have to ask before your deadline expires;

- There is a \$200 late filing fee penalty that is imposed by law if your OGE Form 278 report is received more than 30 days after the due date. If you need an additional 45 days, then send an email ethics@epa.gov prior to the due date; and
- Failure to file a termination OGE Form 278 will result in referral to the Department of Justice for civil action that will include civil penalties as high as \$50,000. Several years ago, we had to refer a former EPA appointee for failure to file a termination report, despite almost two years of reminders. In the end, that person filed and paid a civil penalty of \$15,000. **We strongly encourage you to file your report before you leave.**

After your departure, please remember that we are still here to answer your post-employment questions. A little “small print” for your consideration: an opinion from an ethics official may be a mitigating factor in any prosecution for an alleged violation of the criminal post-employment rules, provided that you fully disclosed all relevant facts and relied upon our advice in good faith. So, really, ask us before you do something, okay?

We look forward to hearing from you!

Justina and the OGC/Ethics team

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

UPDATED NOVEMBER 2020
FOR SCHEDULE C APPOINTEES

Ethical Rules Relating to Your Transition Out of EPA

Thank you for your service to EPA and the Executive Branch. While you are planning your transition to the next phase of your career or retirement, you have continuing ethics obligations because you are still an EPA employee. This document reviews the ethics rules regarding:

- seeking and post-employment criminal laws and regulations;
- termination financial disclosure reporting requirements;
- employment negotiation and procurement integrity notification requirements; and
- Trump Ethics Pledge post-employment requirements.

Your ethics officials are here for you during and after your transition out of federal service to answer your questions and provide ethics opinions, so please use us as a resource! Contact us at ethics@epa.gov.

BEFORE YOU LEAVE GOVERNMENT SERVICE

1. Seeking employment: you may not participate in a “particular matter” having a direct and predictable effect on the financial interests of any person or entity with whom you are seeking or negotiating for employment or with whom you have an agreement for future employment. *See generally, 5 Code of Federal Regulations, Subpart F, 18 United States Code (U.S.C.) § 208.*

“Seeking employment” begins when you:

- directly or indirectly make an unsolicited communication regarding possible employment with any person or entity;
- engage in negotiations with a view toward reaching an agreement regarding possible employment;
- receive a response to a job application or employment proposal indicating an interest in employment discussions; or
- make a response, other than rejection, to an unsolicited communication from any person regarding possible employment with that person.

“Seeking employment” ends when:

- you or the prospective employer reject the possibility of employment and all discussions of possible employment have terminated; or
- two months have elapsed since you sent an unsolicited resume or employment proposal, and you have not received an interest in employment discussions.

See generally, 5 C.F.R. Part 2635, Subpart F

Example 1: You are contacted by an official of a State Environmental Department in your home state. On the call, he asks if you are interested in a position with the State beginning in the next calendar year. You are currently working on an enforcement action involving the State but are interested in returning to the area at the beginning of the year. You agree to send him your resume for an open position.

Answer: Because you are open to the prospect of future employment and have sent your resume for an open position, *you are “seeking employment”* and must immediately disqualify yourself from participating in the pending enforcement action until either you or the State affirmatively rejects the possibility of employment or you leave the EPA to take the position, whichever is *later*.

Example 2: Deferring employment discussions. You give a speech to a trade association and afterwards, someone says, “hey, have you been thinking about what you’re going to do when the Trump Administration is over? My company would be very interested in someone like you.” You say that you aren’t considering any future employment prospects until after you leave government.”

Answer: This response will be considered a *rejection* of an offer of future employment and therefore you *are not “seeking employment.”*

Another Example: But let’s say instead that you know your region is working on a regulation affecting the financial interests of the company as a member of a discrete industry sector and you respond by saying you cannot discuss future employment while you are working on the regulation, but you would like to discuss employment with the company when the regulation is final.

Answer: Because you have merely deferred employment discussions until the foreseeable future, you have begun “seeking employment” under the ethics regulations and now may not work on the regulation that affect the company’s financial interests. It’s not sufficient that you said you won’t talk to them until after the regulation is issued.

2. Negotiating for future employment: you have a financial interest in any entity in which you begin employment “negotiations”-- which means a two-way communication made either

personally or through an intermediary such as a headhunter -- with a view towards reaching an agreement regarding future employment or compensation. The financial conflict of interest law requires you to recuse yourself from participating in a government matter affecting the entity's financial interests until either party affirmatively rejects the possibility of future employment or you leave the Agency. *See 18 U.S.C. § Section 208(a).*

Notification requirement: once you engage in an employment negotiation, you must complete, sign, date, and file a Negotiation Notification Form within *three business days* and send it to ethics@epa.gov.

3. Procurement integrity requirements: if you are participating in an ongoing procurement in excess of \$150,000, procurement integrity regulations require that you notify your supervisor and the Ethics Office in writing if you make or receive a contact for future employment with a competing contractor. If you do not affirmatively reject the possibility of future employment, you must disqualify yourself from further participation in the procurement until either party affirmatively rejects the possibility of future employment and the Contracting Officer approves your continued participation. *See 41 U.S.C. § 2103.*

4. Gifts relating to bona fide employment negotiations - you may accept gifts that are customarily provided by a prospective employer in connection with bona fide employment discussions (e.g., travel, lodging, and meals). You may accept these gifts even if the prospective employer is a federally registered lobbyist and you signed the Trump Ethics Pledge. If the prospective employer has matters that may be affected by your official duties, you must first disqualify yourself from EPA matters affecting the financial interests of the prospective employer. If the value of the benefits you accept meet the reporting thresholds, you have to report these gifts on your termination financial disclosure report. *See 5 C.F.R. § 2635.204(e)(3).*

5. Post-employment training

Make an appointment to talk to OGC/Ethics or your regional ethics counsel for live counseling. In addition, we highly recommend that you take the online post-employment course Leaving Federal Service.

6. Financial disclosure reporting requirements

You must submit a ***termination Public Financial Disclosure Report (OGE 278e) in INTEGRITY (www.Integrity.gov) within 15 days of departure or no more than 30 days after departure.*** Once you know your departure date, contact the Ethics Office at ethics@epa.gov so that we can assign you a termination report in INTEGRITY. You may begin the report at that time after assignment, *but do not submit the report earlier than 15 days of your departure date.* We urge you to file the report before you depart so that you can access the electronic system using your

EPA PIV card. If you do not complete the report prior to your departure date, you must notify OGC/Ethics of your forwarding email address so that we can make the necessary changes for your access from your personal computer. It is your responsibility to provide us with your forwarding information and submit a timely report.

Late filing fee: if you file the OGE 278e more than 30 days after the due date without requesting and receiving an extension from the Ethics Office *before the due date*, **you will be assessed a \$200 late filing fee once you file the report.** We can grant up to a 90-day extension for good cause shown. **Failure to file a termination OGE-278e will result in a referral to the U.S. Attorney General for civil action which may result in civil penalties up to \$50,000. Failure to pay late fees will result in referral for debt collection.**

ETHICS RULES THAT APPLY *AFTER* YOU LEAVE GOVERNMENT SERVICE

1. Criminal post-employment restrictions – 18 U.S.C. § 207

a) **Permanent Bar, 18 U.S.C. § 207(a)(1):**

You may not, on behalf of a third party, appear before or communicate with an officer or employee of the United States with the intent to influence that person on a particular matter involving specific parties in which you participated personally and substantially while a government employee. This restriction does not prohibit providing "behind the scenes" assistance. (If you are an attorney, your state bar rules may prohibit this type of assistance, but we do not provide opinions on your bar obligations).

A "*particular matter involving specific parties*" include an investigation, application, request for a ruling or determination, contract, controversy, claim, charge, accusation, arrest, or judicial or other proceeding. The term *does not include* a rulemaking or other particular matter of general applicability. "Personal" participation means that you participated directly in the matter and includes the direction or control over a subordinate employee's participation. Your participation is "substantial" if, at the time of your involvement, it was of significance to the matter. This includes decision-making, reviewing, or recommending an action to be taken. It does not include ministerial acts relating to the matter.

b) One-Year Bar (Trade or Treaty Negotiations) - 18 U.S.C. § 207(b)

For one year after leaving federal service, you may not knowingly represent, aid, or advise on the basis of covered information, any other person (except the United States) concerning any ongoing trade or treaty negotiation in which you participated personally and substantially as an employee during your last year of federal service.

c) Two-year restriction for former supervisors - 18 U.S.C. § 207(a)(2)

For two years after your departure, you may not appear before or represent others with the attempt to influence government action before the federal government on particular matters involving specific parties that were actually pending under your “official responsibility” in your last year of federal service. This restriction applies only to the supervisors (including the Administrator, Regional Administrators, Assistant Administrators, etc.) but not to team leaders. For the purposes of this restriction, personal and substantial participation is not required. Note that this restriction applies even if you did not participate in the matter personally or substantially because of a recusal.

Example: Six months ago, a Regional Administrator recused herself from participating personally in a contract award to a company because she owns stock in that company. Upon leaving federal service, she takes a position with the winning contractor and now wants to make representations back to the federal government on behalf of her new employer on that contract. Even though she did not work personally and substantially on the contract because of her recusal, she may not, for two years after her departure, represent her new employer before the government on this contract because it was pending under her official responsibility during her last year of government service.

The definition of “official responsibility” is the “direct administrative or operating authority, whether intermediate or final, and whether exercisable alone or with another, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government action.” The scope of your “official responsibility” is determined by those areas assigned by statute, regulation, Executive Order, job description or delegation of authority. For the Agency head, all matters in the Agency are deemed to be within his or her “official responsibility.” For a Regional Administrator, all pending particular matters in the Region are deemed to be within your “official responsibility.” For the General Counsel and the Assistant Administrator for Enforcement and Compliance Assurance, their areas of “official responsibility” include their respective offices as well as the ten regional counsels because of the regional alignment with Headquarters.

d) Exceptions to the criminal post-employment law:

1) Common exceptions to the permanent and two-year bars - (18 U.S.C. §§ 207(a)(1) and (2)):

- Acting on behalf of the US government - if you are re-employed by the United States or called as a witness by Congress, the post-employment restrictions do not apply. However, working for a government contractor is not covered by this exception.
- Acting as an elected official - if you are carrying out your official duties as an *elected official* of a state or local government, the post-employment restrictions do not apply.
- Employee of a Tribe – if you are an employee or an elected or appointed official of a tribal organization or inter-tribal consortium, you may represent the tribe back to the United States provided that you submit adequate notice to the EPA Administrator and OGC/Ethics.
- Providing testimony - you may give testimony under oath or make statements required to be made under penalty of perjury. Unless expert opinion testimony is given pursuant to court order, or you are called as a witness by the United States, you may not provide such testimony on a matter on behalf of any other person except the United States or Congress if the activity is one covered by the permanent restrictions at 18 U.S.C. § 207(a)(1).

e) Compensation bar for matters affecting the government, 18 U.S.C. § 203

After you depart, a new employer may not compensate you for any covered representational services that were provided at a time when you were a federal employee. “*Representational services*” means communications to or appearances before federal entities (not just EPA) with the intent to influence the government on behalf of a third party. Common examples are legal and consulting services where you may share in profits or fees related to those representations once you leave federal service.

Example: You are a former EPA attorney who is now an equity sharing partner at Dewey, Cheatham and Howe, a prominent law firm with an extensive federal practice. As a former federal employee, you may not share in any fees attributable to the firm’s representational services before the government while you were still employed by the EPA. Therefore, your compensation plan, to include any bonus or partnership share, may not include any of the firm’s profits that comes from its covered representational services before the federal government during your federal tenure.

2. Additional Post-Employment Restrictions For Procurement Officials

a) Procurement integrity provisions relating to contracts in excess of \$10 million:

- Officials with a major role in a federal procurement in excess of \$10 million may not accept compensation from the winning contractor as an employee, officer, director, or consultant within one year after serving as: the procurement contracting officer; the source selection authority; a member of the source selection board; or the chief of the financial or technical evaluation panel of a contract involving payment or claims of over \$10 million.

- This restriction also applies to former officials who have personally made the federal agency decision to: award a contract, subcontract, modification of a contract or subcontract, or a task order or delivery order to that contractor; establish overhead or other rates applicable to one or more contracts for that contractor that are valued in excess of \$10 million; approve issuance of one or more contract payments in excess of \$10 million; or pay or settle a claim in excess of \$10 million with that contractor. *See* 41 U.S.C. § 2104 and 48 C.F.R. § 3.104.

b) Non-disclosure of procurement-sensitive information: as a former employee, you may not knowingly disclose contractor bid or proposal information or source selection information before the award of a federal agency procurement contract. *See* 41 U.S.C. § 2102.

3. Additional Post-Employment Guidance for Officials Involved in Grants

If you were involved in any grant competition activities while at EPA, then you should review the post employment implications under EPA's Grants Competition Conflicts of Interest and Competitive Advantage policies. While not strictly statutory or regulatory prohibitions, these policies ensure that EPA can preserve the integrity of its competitions. Applicants competing for EPA awards cannot have an unfair competitive advantage or even the appearance of an unfair advantage. If you were involved in certain grant activities, including but not limited to the development, review and preparation of solicitations, then you, your family members, or your new employer may be constrained in competing for grants under the solicitations in which you participated. For more information about grants conflicts of interest and competitive advantage policies, contact Bruce S. Binder, Senior Associate Director for Grants Competition, at binder.bruce@epa.gov.

4. A Special Note for Attorneys

Attorneys are reminded to consult their state bar rules or seek advice from state bar counsel even if you did not work as an attorney for EPA. These rules may differ from the federal criminal post-employment rules. For example, although the federal post-employment laws permit "behind the scenes" work for a new employer on matters you worked on or on which you supervised others, the American Bar Association (ABA) restricts such communications. ABA Model Rule 1.11(a) permits a former government employee to represent a client in connection with a matter in which the lawyer participated personally and substantially as a "public officer or employee" only if he first obtains consent from the appropriate government agency. The DC Bar is even more restrictive than the ABA. DC Bar rule 1.11(a) prohibits the former employee from accepting employment in connection with a matter which is the same as, or substantially related to, a matter in which the lawyer participated personally and substantially as a public officer or employee. Under this rule, there is no waiver possibility, and the former government lawyer is not permitted even to provide "behind the scenes" work. OGC/Ethics does not provide guidance on state bar rules.

5. Additional restrictions imposed by the Trump Ethics Pledge, Executive Order 13770

The Trump Ethics Pledge you signed subjects you to additional restrictions under the Lobbying Disclosure Act (LDA) and the Foreign Agents Registration Act of 1938, as amended (FARA):

- Under Paragraph 1, you may not engage in “lobbying activities” with respect to EPA for **five years**;
- Under Paragraph 3, you may not engage in lobbying activities with respect to any covered executive branch official¹ or non-career SES appointee for the remainder of the Trump Administration; and
- Under Paragraph 4, after leaving federal service, you may never engage in any activity on behalf of any foreign government or foreign political party that, if it had been undertaken on January 20, 2017, would have required you to register under FARA.

NOTE: The EPA Ethics Office does not provide guidance on the interpretation of either statute. We can, however, provide you with a summary of the restrictions.

As used in the Pledge paragraphs 1 and 3, the term “*lobbying activities*” has “the same meaning as in the LDA, except that *the term does not include* communicating or appearing with regard to:

- a judicial proceeding
- a criminal or civil law enforcement inquiry, investigation, or proceeding;
- any agency process for rulemaking, adjudication, or licensing, as defined in and governed by the Administrative Procedures Act, as amended, 5 U.S.C. § 551 *et seq.*

The term relies partly on the definition of “lobbying activities” found in the LDA, which includes both “*lobbying contacts*” and behind-the-scenes efforts in support of such contacts.² “*Lobbying contacts*” are limited to written or oral communications with covered officials that are made on behalf of a client.³ The term “*client*” means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity.⁴

¹ For the purposes of E.O. 13770, “covered executive branch official” means: the President; the Vice President; any official in the Executive Office of the President; any Executive Schedule official (EL I-V); any uniformed officer at pay grade O-7 or above; and any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character....”, including Schedule C employees. 2 U.S.C. § 1602(3). See E.O. 13770, sec. 2(c).

² The term “lobbying activities” means “lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time, for use in contacts, and coordination with the lobbying activities of others.” 2 U.S.C. § 1602(7).

³ 2 U.S.C. § 1602(8)(A).

⁴ 2 U.S.C. § 1602(2).

For purposes of the Pledge paragraphs 1 and 3, “*lobbying activities*” includes the following:

- any oral or written communication to a covered executive branch official or non-career SES appointee; or
- efforts that are intended, at the time of performance, to support a covered lobbying contact to such person.

The LDA’s definition of “*lobbying contacts*” is limited to certain types of communications but excludes 19 types of communications.⁵ For example, the definition excludes “a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official.”⁶

For the purposes of Pledge paragraph 4, you cannot ever act as an “agent” of a “foreign principal,” which includes any foreign governments and foreign political parties. Under the FARA, you are required to register before acting as an agent of a foreign principal in undertaking any of the following actions within the United States, either directly or through another person: (a) engaging in “political activities” on behalf of a foreign principal; (b) acting as a foreign principal’s public relations counsel, publicity agent, information service employee, or political consultant; (c) soliciting, collecting, disbursing, or dispensing contributions, loans, money, or other things of value for or in the interest of a foreign principal; or (d) representing the interests of the foreign principal before any agency or official of the U.S. Government. Your pledge restrictions do not prohibit any activities that the FARA exempts from its registration requirement, but if you have questions about the FARA, you will need to contact the Department of Justice directly. The EPA Ethics Office does not provide advice on the FARA.

ADDITIONAL PLEDGE RESTRICTIONS

ETHICS PLEDGE	Paragraph 1	Paragraph 3	Paragraph 4
Basic Prohibition	I will not, within 5 years after the termination of my employment as an appointee in any executive agency in which I am appointed to serve, engage in lobbying activities with respect to that agency.	In addition to abiding by the limitations of paragraphs 1 and 2, I also agree, upon leaving government service, not to engage in lobbying activities with respect to any covered executive branch official or non-career SES appointee for the remainder of the Trump Administration.	I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2017, would require me to register under the Foreign Agents Registration Act of 1938, as amended.

⁵ See 2 U.S.C. § 1602(8)(B)(i)-(xix) for the 19 exemptions.

⁶ 2 U.S.C. § 1602(8)(B)(v).

Length of Restriction	5 years	Remainder of the Trump Administration (January 20, 2021)	Permanent
Commencement of Restriction	Termination of employment as an appointee	Termination of government service	Termination of government service
From Whom Appointees are Restricted	Covered executive branch officials at the former appointee's former agency ("with respect to that agency")	Covered executive branch officials throughout the executive branch; Non-career senior executive service appointees throughout the entire executive branch	Everyone in the United States. Unless a FARA exemption applies, can't ever engage in any in any of the activities listed above on behalf of any foreign government or foreign political party, if the activity occurs within the United States.

* * * * *

This document provides you with a summary of the major ethics rules that apply to you when you are seeking or negotiating for employment and for post-employment. *It is not a substitute for tailored ethics advice and is not an ethics opinion.* We strongly recommend that you schedule a meeting with the Ethics Office to receive an opinion on your specific facts and circumstances. Although the advice we provide you is not subject to privilege, we remind you that, when you seek advice from an ethics official, provide the relevant facts, and follow our guidance in good faith, then the ethics opinion may be a mitigating factor in any prosecution should you violate the criminal provisions. Please contact us at Ethics@epa.gov. Even after you leave EPA, we are here to answer your post-employment questions.

REQUIREMENT: Notify OGC/Ethics within 3 business days of commencing the negotiation or agreement for post-government employment or compensation

NOTIFICATION OF NEGOTIATION OR AGREEMENT

Your full name	Your telephone number*	Date negotiation or agreement began
Your Title / Office / AAship or Region	Your email address*	Name of non-federal entity that you are negotiating with or have an agreement for employment or compensation

** Provide information for OGC/Ethics to use to contact you as part of our official duty. For this purpose, you may provide a personal email address or cell number.*

RECUSAL STATEMENT

To assist in identifying your recusal obligations, check the appropriate boxes below:

- | | Yes | No | |
|----|--------------------------|--------------------------|---|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | EPA's programs, policies, or operations affect the non-federal entity with which I am seeking employment. |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | My office in EPA does work that affects the non-federal entity with which I am seeking employment. |
| 3. | <input type="checkbox"/> | <input type="checkbox"/> | The work I participate in affects or will affect the non-federal entity with which I am seeking employment. |

Need help answering these statements?
See page 2.

For as long as I am negotiating for, or have an agreement of, employment or compensation with the entity listed above, I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of this entity, unless I first obtain from OGC/Ethics a written authorization or waiver consistent with 5 C.F.R. § 2635.605 or 18 U.S.C. § 208(b)(1). I understand that it is my responsibility to consult with OGC/Ethics if I have questions regarding my recusal obligations.

Sign and submit to ethics@epa.gov:

Your signature

OGC/Ethics Use Only:

Last Updated: November 2020

Statement 1: EPA’s programs, policies, or operations affect the non-federal entity with which I am seeking employment.

If your answer is “yes” to any of the following questions, then you must answer “yes” to statement 1.

- Is the non-federal entity seeking official action from EPA (even if not your own office)?
- Does the non-federal entity do business or seek to do business with the EPA (even if not your own office)?
- Does the non-federal entity conduct activities that EPA regulates (even if not in your own office)?
- Does the non-federal entity have interests that may be substantially affected by the performance or non-performance of your official duties?
- Is the non-federal entity a membership organization in which the majority of the members are described in the preceding questions?

Statement 2: My office in EPA does work that affects the non-federal entity with which I am seeking employment.

To answer this question, think about the nexus between the work of your office and the non-federal entity. The closer the nexus, the more likely you will have to check “yes” to statement 2.

- Consider the particular matters your office works on and whether there is any connection to the work of this entity. Does your office work on permits, investigations, litigation, grants, licenses, contracts, applications, enforcement cases, or other similar types of matters where there is an identified non-federal entity (i.e., particular matters involving specific parties)?
- Also consider whether your office is involved in scientific programs, media programs, or other types of policies, procedures, guidance documents, regulations, etc., that would affect this particular industry or sector (i.e., particular matters of general applicability).

Statement 3: The work I participate in affects or will affect the non-federal entity with which I am seeking employment.

Think about the nexus between your work and the non-federal entity as well as its respective class, industry or sector. The closer the nexus between your work and the sector the non-federal entity belongs to, the more likely you will check have to check “yes” to statement 3.

- Will the work you do affect the sector? Don’t concentrate on whether your personal contributions will be determinative but rather, overall, how the outcome of the work itself will affect the sector and the non-federal entity with which you are negotiating.
- Do you advise on or consult with your colleagues’ projects and work? Does their work affect this sector or the non-federal entity?
- Do you actively supervise or assign work to subordinates? Do those assignments affect the sector or the non-federal entity?

Need help answering these statements? Contact ethics@epa.gov to discuss.

Message

From: Molina, Michael [molina.michael@epa.gov]
Sent: 1/13/2021 10:56:22 PM
To: Mosley, Ferne [mosley.ferne@epa.gov]
CC: Payne, James (Jim) [payne.james@epa.gov]
Subject: close out report

Good evening Ferne,

I have all the information for my close out report and have time set aside on my calendar to morrow to finish it out. Would you be available for a quick call though in the AM so that I know that I am doing it correctly and fulfilling my obligations. I think I have an understanding, I just want to be certain.

Thank you for your consideration.

MM

Michael D. Molina
Deputy Chief of Staff
U.S. Environmental Protection Agency
Molina.Michael@epa.gov
(202) 564-3972
(202) 568-1602 (c)

Message

From: Molina, Michael [molina.michael@epa.gov]
Sent: 1/19/2021 4:06:41 PM
To: Mosley, Ferne [mosley.ferne@epa.gov]
CC: Payne, James (Jim) [payne.james@epa.gov]
Subject: RE: 278e submitted

ok – will try them now

From: Mosley, Ferne <mosley.ferne@epa.gov>
Sent: Tuesday, January 19, 2021 10:55 AM
To: Molina, Michael <molina.michael@epa.gov>
Cc: Payne, James (Jim) <payne.james@epa.gov>
Subject: RE: 278e submitted

Hi, Michael – there are still a few incomplete entries regarding mutual fund names:

Part 2 - **Ex. 6 Personal Privacy (PP)**

Part 5 - **Ex. 6 Personal Privacy (PP)**

Thanks, Ferne

Ferne L. Mosley, Attorney-Advisor
U.S. Environmental Protection Agency
Ethics Office/Office of General Counsel
William Jefferson Clinton Building North, Room 4113A
1200 Pennsylvania Ave, NW
Washington, DC 20460
(202) 564-8046 (desk)
(202) 306-2998 (mobile)
mosley.ferne@epa.gov

From: Molina, Michael <molina.michael@epa.gov>
Sent: Friday, January 15, 2021 11:43 AM
To: Mosley, Ferne <mosley.ferne@epa.gov>
Cc: Payne, James (Jim) <payne.james@epa.gov>
Subject: RE: 278e submitted

thank you Fern, I have a call into my advisor.

I'll let you know when it is rectified.

MM

From: Mosley, Ferne <mosley.ferne@epa.gov>
Sent: Thursday, January 14, 2021 6:28 PM
To: Molina, Michael <molina.michael@epa.gov>
Cc: Payne, James (Jim) <payne.james@epa.gov>
Subject: RE: 278e submitted

Thanks, Michael – only your 2020 transactions have to be on this report as it doesn't cover transactions that occurred in 2019. So, even though some of the transaction reports weren't filed until 2020 for some of the 2019 transactions, I can remove the 2019 transactions as they are reflected in the separate transaction reports if that's ok with you, or we can leave them in place, but it will just be a duplication.

Also, the full name of several mutual funds are not reported so I'm sending the report back to you to complete these entries. They are indicated with a "+" sign when you get into the report, but here is the list by part and number:

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Part 5 **Ex. 6 Personal Privacy (PP)**

Thanks, Ferne

Ferne L. Mosley, Attorney-Advisor

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mosley.ferne@epa.gov

From: Molina, Michael <molina.michael@epa.gov>

Sent: Thursday, January 14, 2021 4:40 PM

To: Payne, James (Jim) <payne.james@epa.gov>; Mosley, Ferne <mosley.ferne@epa.gov>

Subject: 278e submitted

Good afternoon Jim,

I have submitted my Financial disclosure report.

2 concerns.

I THINK I was able to import all the transactions from 2019 that I did throughout the year. but quite honestly, it took so long every time I tried to "import" each report. I think December made it in, but I just could not find it.

There are always some holdings where I am not sure if they are an EIF – I always default to yes. I apologize if any are inaccurate.

I am in tomorrow and Tuesday if I need to make any correction.

thank you Ferne for your time, patience and assistance this morning on getting started

MM

Michael D. Molina
Deputy Chief of Staff
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Molina.Michael@epa.gov

(202) 564-3972

(202) 568-1602 (c)

Message

From: Molina, Michael [molina.michael@epa.gov]
Sent: 1/19/2021 4:17:48 PM
To: Mosley, Ferne [mosley.ferne@epa.gov]
CC: Payne, James (Jim) [payne.james@epa.gov]
Subject: RE: 278e submitted

updated – thank you

MM

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Cc: Payne, James (Jim) <payne.james@epa.gov>

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Part 5 **Ex. 6 Personal Privacy (PP)**

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Ferne L. Mosley, Attorney-Advisor

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From: Molina, Michael <molina.michael@epa.gov>

Sent: Thursday, January 14, 2021 4:40 PM

To: Payne, James (Jim) <payne.james@epa.gov>; Mosley, Ferne <mosley.ferne@epa.gov>

Subject: 278e submitted

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MM

Michael D. Molina
Deputy Chief of Staff

U.S. Environmental Protection Agency

Molina.Michael@epa.gov

(202) 564-3972

(202) 568-1602 (c)

Message

From: Molina, Michael [molina.michael@epa.gov]
Sent: 1/19/2021 9:19:20 PM
To: Payne, James (Jim) [payne.james@epa.gov]
Subject: Automatic reply: Final tally of late fees associated with your transaction reporting

I have left the EPA.

Please contact Wes Carpenter in my absense.

Michael Molina

Appointment

From: Payne, James [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 7/24/2020 6:34:53 PM
To: Payne, James [payne.james@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Mosley, Ferne [mosley.ferne@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]
Subject: touch base
Location: Microsoft Teams Meeting
Start: 7/29/2020 3:00:00 PM
End: 7/29/2020 3:30:00 PM
Show Time As: Busy

Required Attendees: Molina, Michael; Ferne Mosley; Fugh, Justina

To discuss next steps with ethics report, including providing names of mutual funds for transactions in itemized list in Ferne's 7/21/2020 email.

Join Microsoft Teams Meeting

Ex. 6 Personal Privacy (PP) United States, San Antonio (Toll)

Conference ID: **Ex. 6 Personal Privacy (PP)**

[Local numbers](#) | [Reset PIN](#) | [Learn more about Teams](#) | [Meeting options](#)

By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.
